THE PURITAN REPUBLIC

DANIEL WAIT HOWE

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THE PURITAN REPUBLIC

THE

PURITAN REPUBLIC

of

The Massachusetts Bay

IN NEW ENGLAND

By

DANIEL WAIT HOWE

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TO THE MEMORY OF
JOHN HOWE
OF SUDBURY AND MARLBOROUGH, MASS.
AND HIS
ASSOCIATES OF THE PURITAN COMMONWEALTH
OF MASSACHUSETTS BAY
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PREFACE

No period in the history of this country is more interesting than that covered by the Puritan commonwealth of Massachusetts Bay. About no other, not even the revolutionary period, has so much been written. That interest in it does not flag is evidenced by the great number of books and magazine articles relating to that period which have been published in recent times. Every phase of life in the Puritan age has received minute investigation and critical discussion. Old records and documents have been searched, and a vast flood of light has been turned upon the religious, the political, the economic, the industrial, and the social life of the early Puritans. Merely to indicate the bibliography relating to that period would require much space.

The so-called Theocracy of the Massachusetts commonwealth has been a fruitful theme, and the discussion of its religious intolerance seems to be as earnest, and almost as rancorous, today as it was at any former period.

Up to the year 1856, there had been a great deal written by the historians designated by Mr. Fiske as "ancestor-worshipers," who found little to condemn in the Puritans of the commonwealth period. In that year Mr. Peter Oliver published a volume entitled "The Puritan Commonwealth." It is written in keen, vigorous and classic language, but no attempt is made by the author to conceal his prejudices. His vindictive feeling against the early Puritans is so manifest on every page as naturally to excite distrust of every state-

ment he makes, and to suggest the answer to all his arguments.

In 1886, Mr. Brooks Adams published a volume entitled "The Emancipation of Massachusetts." The chief difference between Mr. Oliver and Mr Adams is, that the former hated all the Puritans alike, while the latter's animosity is directed principally against the ministers, whom he styles the "priests."

Many of Mr. Adams's deductions from historical facts seem to be as far-fetched as those which he tells us he has drawn from Mr. Frank Cushing's "unpublished results" of his researches among the Zuni Indians of New Mexico and Arizona, which, as Mr. Adams affirms, "seem to lead to well-defined conclusions when applied to New England history." The published results of these researches are valuable and interesting, but it is only by the aid of a very vivid or eccentric imagination that we can find in them anything throwing any light upon New England history or upon the religion and character of the Puritan ministers.

Mr. Hallowell has also appeared on the field with a book about "The Quaker Invasion of Massachusetts," and shows by the vigor with which he espouses their cause that time has not abated either the zeal or the resentment of the Quakers against their ancient Puritan persecutors. Charles Francis Adams, in 1893, contributed a volume entitled "Massachusetts, Its Historians and Its History," relating chiefly to what he terms the "theologico-glacial" period, or "ice age," in Massachusetts. He, too, takes issue with the "ancestor-worshipers"—the historians of what he calls the "filio-pietistic" school.

It is against the Theocracy that the most malignant attacks have been made by modern writers; and when we read the maledictions which they hurl against the old Puritan ministers indiscriminately, we can not avoid thinking that they have improved but little on the pirate of whom the

story is told that, having caught a New England fisherman, he compelled the poor man, as a grim joke, to jump up and curse Cotton Mather three times.

Mr. Palfrey, the great historian of New England, has written a history of the Massachusetts Puritans that will stand as an enduring monument to himself as well as to them; and Dr. Ellis, in "The Puritan Age in Massachusetts" (1888), has said in a dispassionate and candid way about all that can be said in behalf of the Puritans against the charge of religious intolerance.

From the standpoint of an Englishman, writing at the close of the nineteenth century, we have the recent work of Mr. Doyle (published in 1889), "The English Colonies in America—The Puritan Colonies." It is manifest that his work was very carefully prepared after an exhaustive study of all the attainable authorities, and probably no other author, English or American, has given the subject of the religious and political policy of the Massachusetts Puritan commonwealth more careful study, or has discussed it more dispassionately, or has expressed his conclusions with more judicial fairness. Still it is doubtful if any American writer would agree with all of Mr. Doyle's conclusions.

There seems to be no end of the books, magazine articles, pamphlets and addresses relating to the Theocracy, and the diversity of opinion manifested after so great a lapse of time goes to prove that, try as we may, we can not wholly divest our minds of the influence of inherited ideas, transmitted from generation to generation. These, even after the lapse of more than two centuries, still retain vitality and force enough to mold the opinions of men, and to cause them to travel apart, in a more orderly way, it is true, but still on much the same old lines on which our ancestors separated from each other.

Indeed the very subject seems to breed a contagion of dissent, so that, in discussing the religious and political policy

of the Massachusetts Puritan commonwealth, modern commentators seem to have reached the point at which the early Puritans themselves at one period arrived—when no one agreed with any other in any opinion whatever. It is not probable, therefore, that there will soon be an end of books about the Puritan commonwealth, or an end of differences of opinion among men who write about them.

The difficulty of finding out the truth in regard to any matter that was the subject of controversy in the early days of the commonwealth is forcibly expressed by one of the correspondents of Mr. Savage, as appears in a note to his edition of Winthrop's History of New England (Vol. 1, p. 59): "I have," says this correspondent, "lost nearly all confidence as to the truth of what is related. I see in my own times that I can not get at the truth of what passes before my own eyes. How, then, can I know what took place two hundred years ago, when I have no evidence but that which is distorted by the worst passions."

Where so much has been written, it would be presumption to lay claim to great originality in either material or thought. What I have aimed to do is to bring together, in a volume of moderate size, some of the features in the history of the government and people of the Massachusetts Puritan commonwealth, that I thought would be most interesting to the people of today, and especially to those who are descendants of the early Puritans. I have attempted to describe the public and the private life of the early Puritans, their customs, their characteristics, their struggles to establish and maintain themselves against so many odds in "this remote corner of the earth." In doing this, I have endeavored to portray the early Puritans as they would have wished to be portrayed; as Cromwell wished to be portrayed when he said to the painter: "Paint me as I am, warts and all."

I have essayed the still more difficult task of tracing the

evolution of a commonwealth from a colony, of a constitution from a charter, of a republic from a corporation.

No inconsiderable part of the labor in the preparation of this volume has been devoted to an attempt to show the development of republican ideas and institutions. This subject could not conveniently, in accordance with the plan of the volume, be treated separately, but the main purpose of Chapters XII to XVII, inclusive, is to illustrate it. References to all portions of the volume which help to an understanding of it are grouped together in the index, under the title "Republic."

I do not believe in all the beliefs of the Puritan Fathers, but I thoroughly believe in them—in their manhood, their fortitude, their patriotism, their integrity, their devotion to duty, their reverent recognition of God in all their public and private affairs—the qualities that have made them preeminent as the most striking figures in all the history of American civilization.

I can say with the great historian, Palfrey, that "with the belief which I entertain, I could not have been admitted to any church established by the Fathers, if, indeed an attempt to propagate my belief would not have made me an exile from their society." I can also say with him that, while endeavoring to be veracious and just, "I should have been neither if I had affected to conceal my veneration for the founders of New England."

Some things they did that we can not justify, and for which it is difficult to find even a reasonable excuse, but they did a great deal more, for which their posterity must be forever grateful.

I am indebted for kindly aid in the preparation of this volume to many persons, but to no one more than to Mr. Charles R. Williams, for his patient oversight and valuable suggestions.

DANIEL WAIT HOWE.

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The references in this volume to Winthrop's "History of New England" are to Savage's edition; those to Hutchinson's "History of New England" are to the third edition (1795); those to the Massachusetts Colonial Laws are to Whitmore's edition; those to the "Andros Tracts" are to the three-volume edition published by the Prince Society, under the editorial supervision of Mr. Whitmore; those to Johnson's "Wonder-Working Providence," etc., Hubbard's "History of New England," the Sewall Papers, the Sewall Letters, and to many other authorities, are to the reprints contained in the Massachusetts Historical Collections. The reprints of some of the books and documents referred to are contained in Force's "Historical Tracts," Young's "Chronicles of Massachusetts," or other volumes usually designated in the citation.

In order to avoid multiplicity of citations many of the quotations in the text, especially those from the Massachusetts Records and those from the Massachusetts Colonial Laws, are made without special references to the volumes and pages from which they were obtained; but in such cases the source of authority for the particular quotation is generally obvious, and the volume and page can readily be found. The following table includes only the authorities to which special references are made.

TABLE OF CITATIONS

Adams, Brooks. *Emancipation of Massachusetts* 253
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THE PURITAN REPUBLIC

I

THE BEGINNING

No Virgil would ever begin a poem with "I sing of John White of Scrooby." There is nothing poetic in the man, the place or the associations. But, in a plain prose account of a plain people, it is proper to begin with John White of Scrooby. We can not, however, fully understand why it was that John White and his associates took such an interest in planting a colony in America, without some explanation of the first exodus of Puritans from Scrooby to Holland.

Scrooby was a village on the river Idle in Nottinghamshire, England.[1] Here in 1607 was a congregation of the branch of Puritans called Separatists. They were, says Bradford,[2] "hunted & persecuted on every

[1] The Rev. Joseph Hunter, in *The Founders of New Plymouth*, describes the exact location as follows: "Scrooby will be found in the maps about a mile and a half south of Bawtry, a market and port town situated on the boundary line between Nottinghamshire and Yorkshire. It was itself, in the time when Brewster resided there, one of the port towns on the great road between London and Bostwick." See also the same writer's *Collections Concerning the Early History of the Founders of New Plymouth*, Mass. His. Coll., 4th Ser., Vol. 1, p. 52.

[2] *History of Plymouth Plantation*, Mass. His. Coll., 4th Ser., Vol. 3, p. 10.

side"; some "were taken & clapt up in prisons, others had their houses besett & watcht night and day & hardly escaped their hands; and ye most were faine to flie & leave their howses & habitations and the means of their livelihood." But it was not easy to escape. "For, though they could not stay, yet were they not suffered to goe, but ye ports & havens were shut against them, so as they were faine to seeke secrete means of conveance & to bribe & fee ye mariners & give exterordinarie rates for their passages." In 1607 a ship was hired to transport a company of them to Holland, but the master of the ship betrayed them to the "catcpoule officers," who took them off the ship and "rifled & ransaked them, searching them to their shirts for money, yea even ye women furder then became modestie and then caried them back into ye town & made them a spectackle & wonder to ye multitude, which came flocking on all sids to behould them." Some were put in prison and others were bound over to the next assizes, and so this attempt to escape ended in failure.

The next year a Dutch captain agreed to transport another company, but after part of the men had got on board the officers swooped down upon the fugitives with a "greate company, both horse & foote, with bills & gunes & other weapons; for ye country was raised to take them." The Dutch captain became panic-stricken, and swore a great oath and put off to sea, taking the men already on board and leaving the rest and the women and children. Of the men left on shore some escaped; those who remained, together with the women and children, fell

a prey to the officers. "Pitifull it was to see ye heavie case of these poore women in this distress; what weeping & crying on every side, some for their husbands, that were caried away in ye ship as is before related: others not knowing what should become of them & their litle ones; others againe melted in teares, seeing their poore litle ones hanging aboute them, crying for feare, and quaking with could." The officers did not know what to do with them. It would not do to imprison so many women and innocent children; those whose husbands and fathers had gone could not go with them; "and to send them home againe was as difficult, for they aledged, as ye trueth was, they had no homes to goe to, for they had either sould or otherwise disposed of their howses & livings." So, after they had been turned over by one constable to another, all became glad to get rid of them on any terms, "for all were wearied & tired with them."

Finally some of the Scrooby congregation, and some of the neighboring congregation of Gainsborough, succeeded in getting to Holland. They remained about one year at Amsterdam and about eleven years at Leyden. But, while they enjoyed in their new home the religious freedom they sought, their lot was a hard one. "For, though they saw faire & bewtifull cities, flowing with abundance of all sorts of welth & riches, yet it was not longe before they saw the grime & grisly face of povertie coming upon them like an armed man, with whom they must bukle & incounter, and from whom they could not flye." They were poor and had to work hard,

so hard that all were bowed down under the weight of their labors and growing prematurely old; even their children "became decreped in their early youth; the vigor of nature being consumed in ye very budd as it were." But this was not all. They were under a foreign rule; they could not adapt themselves, with their ideas, to the ways and customs of their Dutch neighbors; their children were going off on long voyages, and they were being tempted and led astray from the faith of their fathers, and were intermarrying with their neighbors. The direful prospect was presented to Puritans there of losing their nationality, their faith, their very language, and of being swallowed up and lost sight of among a foreign people.

So the Leyden congregation, the one which comprised those who had originally come from Scrooby, and of which John Robinson and William Brewster were members, began to cast about for some new place of settlement. They finally concluded to go to America, and this was the beginning of the movement which culminated in the settlement of the colony at Plymouth in 1620.

The Plymouth colony was the first in America which had been prompted by a desire for greater religious freedom. But it did not greatly flourish. Eleven years after it was founded it had only about 500 population, and it never became an important factor in American colonial history. It did not form even a nucleus about which to gather the great Puritan immigration, which, a few years later, sought

refuge in America, and which founded the Massachusetts commonwealth.

It is probable that no such immigration would have come, and that the Puritan commonwealth never would have been founded, if the persecutions of the Puritans in England had ceased. But they did not cease. James I died in 1625, and was succeeded by Charles I. The advent of the new monarch and his despotic course intensified the great struggle of the English people, begun in the reign of his predecessor, to establish constitutional limits which would preserve the liberty of the people against the aggressions of arbitrary power. With Charles I came Laud. He had given proof of his persecuting spirit before he became archbishop. While Bishop of London he had begun the work of purging his diocese of Puritans. An example of his hatred of the Puritan ministers is seen in his treatment of the Rev. Thomas Shepard, a young Puritan minister who was compelled to flee from England and who afterwards became eminent in America. When summoned before Laud Shepard found him in a towering rage. Laud told him that he had been "more cheated and equivocated with by some of my malignant faction than ever was man by Jesuit. At the speaking of which words he looked as though blood would have gushed out of his face, and did shake as if he had been haunted with an ague fit, to my apprehension, by reason of his extreme malice and secret venom." He railed at Shepard, calling him a "prating cox-comb," and accusing him of belonging to "a company of seditious, factious, bedlams," and forbade him to exercise any ministerial

functions under the threat that if he did "I will be upon your back, and follow you wherever you go, in any part of the kingdom." The conclusion of the interview, as given by Shepard, was as follows: "I prayed him to suffer me to catechise on the Sabbath days in the afternoon; he replied, 'Spare your breath, I will have no such fellows prate in my diocese; get you gone, and now make your complaints to whom you will.' So away I went, and blessed be God that I may go to him."[1] In 1633 Laud was made Archbishop of Canterbury and became one of the chief favorites of the king. His subsequent career has earned for him the distinction of being one of the most infamous prelates in the history of England. "His memory," says an historian, of his own country,[2] "is still loathed as the meanest, the most cruel, and the most narrow-minded man who ever sat on the episcopal bench." Macaulay[3] describes him as follows:

"Of all the prelates of the Anglican Church, Laud had departed farthest from the principles of the Reformation, and had drawn nearest to Rome. His theology was more remote than even that of the Dutch Arminians from the theology of the Calvinists. His passion for ceremonies, his reverence for holidays, vigils and sacred places, his ill-concealed dislike of the marriage of ecclesiastics, the ardent and not altogether disinterested zeal with which he asserted the claims of the clergy to the reverence of the laity, would have made him an object of aversion to the Puritans, even if he had used only legal and gentle means for the attain-

[1] Prince's *Annals*, p. 338.

[2] Buckle, *His. of Civ. in Eng.*, Vol. 1, p. 251.

[3] *His. of Eng.*, Vol. 1, Chap. 1.

ment of his ends. But his understanding was narrow, and his commerce with the world had been small. He was by nature rash, irritable, quick to feel for his own dignity, slow to sympathize with the sufferings of others, and prone to the error, common in superstitious men, of mistaking his own peevish and malignant moods for emotions of pious zeal. Under his direction every corner of the realm was subjected to a constant and minute inspection. Every little congregation of separatists was tracked out and broken up. Even the devotions of private families could not escape the vigilance of his spies. Such fear did his rigor inspire that the deadly hatred of the church, which festered in innumerable bosoms, was generally disguised under an outward show of conformity. On the very eve of troubles fatal to himself and to his order, the bishops of several extensive dioceses were able to report to him that not a single dissenter was to be found within their jurisdiction."

The Star Chamber and the High Commission, tribunals unknown to the old English constitution, defied all law, and their usurpations, exactions and excesses have no parallel in English history.

The people found no relief in the common law courts. These would have been powerless, even if the judges had been inclined to grant relief. But many of them were obsequious and servile sycophants, anxious to hold their places and eager to debase the courts and themselves in order to please those in authority. It is only by comparing the judges of the reign of Charles I with those in the reign of James II, that anything can be found to the advantage of the former, and all that can be said in their favor is, that they did not quite reach the low-water mark of judicial depravity to which their suc-

cessors sank in the reign of James II. By comparison with the infamous Jeffreys and Scroggs the worst of their predecessors seem to be somewhat respectable.

The civil and the ecclesiastical authorities vied with each other in their contemptuous disregard of the liberties of the people and in prostituting the processes of the law to oppress and plunder them. For writing or speaking against the usurpations of either civil or ecclesiastical officers, the most inhuman punishments were inflicted. For such offenses enormous fines, imprisonment, standing in the pillory, whipping, branding, cropping the ears, and slitting the nose were the common punishments.

The redeeming feature in this dark picture is, that all these persecutions were unavailing to quench in the English people the love of liberty or to subdue English manhood.

Under such galling tyranny we may well suppose that many of the Puritans in England began to think about imitating the example of their countrymen, who had sought refuge in other lands. The experience of the Puritans in Holland had not been such as to induce those left in England to follow their example and seek homes among the Dutch. And so they began to turn their eyes toward America. But getting away from England was no easy matter. Those who left were required, before going, to obtain permission; and to ask permission was to excite suspicion and to run the risk of the vengeance of Laud, the Star Chamber, and the High Commission. Besides this, none could obtain permission without

taking the oaths of allegiance and supremacy and also an oath that they were no subsidy men.

In reference to the absence of any record of many of the emigrants who left England and came to America during this period, Mr. Hotten[1] gives us an explanation, which shows how difficult it was for Puritans to escape from England. He says :

"Further it should be borne in mind that only the names of those were taken who legally left the shores of England. At page 142, for example, and elsewhere throughout the book, we find that the passengers were examined by the minister touching their conformity to the church discipline of England, and that they had taken the oaths of allegiance and supremacy; elsewhere (p. 106, etc.) we find it certified that they were no subsidy men, that is, men liable to the payment of a subsidy to the crown. Among the thousands who emigrated to New England it can not be doubted but that a very large number left to avoid payment of the hateful subsidy, and that they would not take the oaths of allegiance and supremacy. Those, therefore, must have left secretly, and of such no record would exist."

Cotton Mather tells us[2]: "There were many countermands given to the passage of people that were now steering of this western course; and there was a sort of uproar made amongst no small part of the nation, that these people should not be *let go*."

Cromwell, himself, it is said, once attempted to emigrate, but was unable to elude the vigilance of the authorities, and so he remained, to become the central figure of English history.

[1] *Lists of Emigrants to America*, 1600–1700, Introduction, p. xxxi.

[2] *Magnalia*, Vol. 1, p. 79.

Such was the situation when the Rev. John White, of Scrooby, began his efforts to establish a colony in America. We do not know very much about him. He was a Puritan clergyman, but not a nonconformist. It does not appear that he was a profound philosopher or a far-seeing statesman. We have no reason to believe that he himself had the slightest conception that the movement he was starting was destined to so marvelous a development; that the little stream so feeble at its rising was to gather volume and force till it became one of the world's historic currents, marking the beginning of a new nation on a new continent.

Edward Everett, in his oration on Dorchester,[1] gives the following account of Mr. White:

"He was a Puritan in principle and feeling, but not deeming the ceremonies of vital importance, he adhered to the church. But in periods of great excitement, moderation is an offense in the eyes of violent men. The cavalry of Prince Rupert sacked his house and carried off his library. This drove him to London. He was a man of most excellently tempered qualities, 'grave, yet without moroseness, who would willingly contribute his shot of facetiousness on any just occasion.' He was an indefatigable preacher, and 'had an excellent faculty in the clear and solid interpretation of the Scriptures.' His executive talent was not less remarkable, and he administered the secular affairs of his church so as greatly to promote the temporal prosperity of the city. Of two things not easily controlled he had, according to Fuller, absolute command, 'his own passions and the purses of his parishioners, whom he could wind up to what point he pleased on important occasions.' A gener-

[1] *Orations*, etc., Vol. 3, pp. 307–309.

erous use of his own means was the secret of his command of the means of others. 'He had a patriarchal influence both in Old and New England.' I find no proof that this influence ever ceased over the hardy young men who, by his encouragement, had settled this American Dorchester; but at home his old age was embittered by factions and the 'new opinions which crept into his flock.' A generation arose which slighted the crown of his old age; and of this he was 'sadly and silently sensible'; sadly, as was natural in a man who had reaped ingratitude where he sowed benefits; silently, as became the self-respect of a proud, good conscience. He was one of the most learned and influential of that famous assembly of divines at Westminster, whose catechisms, after two centuries, remain accredited manuals of Christian belief to millions on millions in the old world and the new. The biographer of the 'Worthies of England,' after sketching his admirable character of our ever-memorable founder, expresses the hope that Solomon's observation of the poor wise man who saved the little city, 'yet no man remembered him,' will not be verified of 'Dorchester in England, in relation to this their deceased pastor.' He lies buried, without a stone to mark the spot, in the porch of St. Peter's church; and if the good old patriarch should be forgotten in the Dorchester of Old England, let it be some atonement to his memory that here in New England, after a lapse of two centuries and a quarter, he is still held in pious and grateful remembrance.

"Mr. White's connection with New England preceded by several years the settlement of our ancient town. He was the chief promoter of the attempt to establish a colony at Cape Ann under Conant; and after its failure there, his encouragement and aid caused the transfer of what remained of it to Salem, where it became the germ of a permanent settlement. It was Mr. White who brought the adventurers of the west of England into connection with the men of in-

fluence in London, in Lincolnshire, and the other eastern counties, and formed with them the ever-memorable company, which, under a charter from Charles I, ingrafted Endicott's settlement at Salem upon the languishing enterprise of the single-hearted, persevering, and ill-rewarded Conant; and finally fitted out that noble expedition in 1630, under the great and good Winthrop, which put the finishing hand to the work, and consolidated the foundation of Massachusetts. In all the labors and counsels tending to this end, John White, of Dorchester, appears to have been the person of greatest activity and influence; and when all was prepared for the expedition, and the Arbella and her chosen company were ready to set sail, the 'Humble Request,' as it is called, addressed to the churches of England, setting forth, in language which can scarcely yet be read without tears, the motives and feelings which influenced the pious adventurers, is ascribed to his pen."

It occurred to Mr. White to establish a settlement in America, whereby the planters already there and the sailors who went there, some of whom were his parishioners, should not want for orthodox religious instruction. To carry out this scheme a company was formed and a small colony was sent to America; but discouragement and failure followed, and in a few years the settlement went to pieces. Some of the colonists, however, who had settled at what is now Salem, said that they would remain if they could get help from England, and, hearing this, Mr. White promised that, if they would remain, he would send them needed supplies and "provide a patent for them," and he immediately went about the business with renewed zeal.

We can not, of course, tell just what ideas were in the minds of the men who now lent their aid to the

enterprise. The account which the pious Mr. White has given us does not throw a great deal of light upon the subject. Perhaps he had no other motives than those expressed by him in the "Planters' Plea." In this he emphatically asserts that "the suspicious and scandalous reports raysed upon these gentlemen and their friends (as if, under color of planting a colony, they intended to rayse and erect a seminary of faction and separation) are nothing else but the fruits of jealousie of some distempered minde, or, which is worse, perhaps savour of a desperate malicious plot of men ill-affected to religion, endeavoring, by casting the undertakers into the jealousie of State, to shut them out of those advantages which otherwise they doe and might expect from the Countenance of Authoritie." Thomas Dudley, in his letter of March 12, 1630, to the Countess of Lincoln,[1] gives this account of the origin of the founding of the Massachusetts colony:

"Touching the plantation which wee here have begun, it fell out thus. About the year 1627 some friends, beeing togeather in Lincolnsheire, fell into discourse about New England and the *plantinge of the Gospell there;* and after some deliberation we imparted our reasons, by letters & messages, to some in London & the west country, where it was likewise deliberately thought upon, and at length with often negotiation soe ripened that in the year 1628 [1629] wee procured a patent, etc."

In the same letter he also denounces as "false and scandalous" the reports that the colonists were "ill-

[1] Force's His. Tracts, Vol. 2; Young's *Chronicles of Massachusetts*, p. 303.

affected to our state at home." To emphasize this he adds:

"And for our further cleareinge, I truely affirme, that I know noe one person who came over with us the last yeare to bee altered in his judgment and affection, *eyther in ecclesiasticale or civill respects*, since our comeinge hether. But wee doe continue to pray dailey for our sovereaign lord the Kinge, his Queene, the Prince, the royal blood, the counsaile and whole state, as dutye binds us to doe, and reason persuades others to believe. For how ungodly and unthankfull should wee bee, if wee should not thus doe, who come hether by vertue of his Majesty's letters-patent, and under his gratious protection, under which shelter wee hope to live safely and from whose kingdome and subjects wee now have received and hereafter expect reliefe."

The most charitable explanation of this letter is that it was written with many mental reservations and under the conviction that it was not prudent to disclose fully all the motives of the colonists, as this would be certain to invite the persecution here which they had left England to escape. That many of the emigrants were in haste to get away, and that they deemed it the wiser course not to avow all the objects they had in view in leaving, is apparent from Johnson's "Wonder-working Providence."[1] "And now I could wish," he says, "our brethren in England would not be angry with us for making such haste. Brethren you know how the case stood with our Ministers, as it was with Gidion, who could thresh out no Corne, but he must doe it secretly to hide it from the Midianites, who spread the land like Grass-

[1] Mass. His. Coll., 2 Ser., Vol. 4, p. 23.

hoppers; no more could they thresh and clean up any Wheate for the Lord's Garner, but the Prelates would presently be upon their backs and plow long furrowes there."

At any rate "the business came to agitation afresh in London," and soon other men appeared upon the scene, some of whom are historic figures, who began to interest themselves in the furtherance of Mr. White's scheme, and who, it is pretty certain, had other aims in view than the conversion of the savages in America, or that the planters there and the sailors who went there might not want for orthodox religious instruction.

In casting about to find persons willing to go, "it fell out that, amongst others, they lighted at last on Master Endicott, a man well known to divers persons of good note." A grant of some kind was procured on March 19, 1628, from the Council for New England which had a prior right to the land whereon it was desired to plant the colony, and Endicott, with a few others, went over, arriving in America in September following.

Precisely by what means the grant was obtained from the Council we do not know. No separate record of it is extant, and we know what it was only from the recitals in the charter granted by King Charles I, and that the date of it was March 19, 1628. The grant was made to six persons, including Endicott.

But the Council had met with continued disaster in its attempt to carry out the purpose of its organization and was on its last legs. Some better authority was desired than the grant already obtained, which

could not transfer any governmental powers. To obtain these it was necessary to get a charter. Coke and others opposed the one first proposed, as granting a monopoly. It is said that the charter granted cost two thousand pounds, besides the use of all the influence that the most potent of the Puritans in England could bring to bear. Finally an acceptable charter was prepared, and on March 4, 1629, it received the royal signature. The charter was granted to twenty-six persons, named therein, incorporating them into a company under the name of "The Governor and Company of the Massachusetts Bay in New England." In anticipation of getting it, Endicott and a party of emigrants had already gone to prepare the way and had established a settlement at Salem.

The next question was, whether the charter could legally be transferred to America. On August 26, 1629, Richard Saltonstall, Thomas Dudley, John Winthrop and other men of fortune and distinction had bound themselves by an agreement made at Cambridge that if before the last of the following September an order of court could be procured legally transferring "the whole government, together with the patent for the said Plantation," they and their families would "embark for the said Plantation by the first of March next, at such port or ports of this land as shall be agreed upon by the Company, to the End to pass the Seas (under God's protection) to inhabit and continue in New England."[1] But no order of court was obtained. What legal advice

[1] Young's *Chronicles of Mass.*, p. 279.

was secured is not known, but it is certain that the parties interested were not then entirely clear in their own minds about their right to transfer the government and charter to New England, for, at one of their meetings, it was resolved "to carry this business secretly that the same be not divulged."[1] After further discussion general consent was given "by erection of hands."

It was next determined that the government of persons should be held in New England, that it should be continued there by Capt. Endicott, and that the government of trade and merchandise should be in London.[2]

An inventory was made of things "to provide to send for New England," including "ministers" and "patent under seale."[3] Endicott had gone on June 20, 1628. On March 25, 1629, the second expedition set sail from England, conveying 300 passengers and two ministers.[4] Before going John Winthrop was chosen governor of the company with a deputy governor and eighteen assistants.

An address,[5] published by the emigrants on the eve of their departure, in which they referred to the Church of England as "our dear mother," has been sometimes quoted as proof of hypocrisy on their part, and of their intention to conceal their design to secede from it on their arrival in America, but it is susceptible of a different construction.

[1] Mass. Rec., Vol. 1, p. 49.
[2] Mass. Rec., Vol. 1, p. 56.
[3] Mass. Rec., Vol. 1, p. 24.
[4] *Mem. Hist. Boston*, Vol. 1, p. 98.
[5] *The Humble Request*, Young's Chronicles, 293.

The religious views of the emigrants must have been well known, and it would have been useless to attempt to conceal them. It is far more reasonable to infer that, with all its faults, the church of their ancestors was still dear to them, and that, in the sad moments of parting from home and kindred, the harsh recollections of former persecutions gave way to tender memories. The address has even given rise to some question as to whether the colonists were of the Church of England or not. But, as stated by Hutchinson, "however problematical it may be what they were while they remained in England, they left no room for doubt after they arrived in America."

It has been conjectured also that the emigrants, before leaving England, had formed the design of setting up in America a government of their own, and, on this assumption, some have accused them of craftily concealing their design, while others have supposed them to have been very far-seeing. Both conclusions are probably erroneous. Undoubtedly the emigrants anticipated that it would be necessary for them to have some kind of civil government in their future home. To enable them to establish such a government was one of the objects for which the charter was asked and granted. But there is no evidence that they themselves contemplated in the beginning such a government as was afterwards developed. That was the outgrowth of circumstances and opportunities not then foreseen by any one.

Winthrop sailed from Yarmouth in the Arbella on April 8, 1630, and reached Salem on June 12. Some of the company's emigrants had already arrived and

others came later, so that, before winter, over one thousand in all had come.[1] It is estimated by Mr. Fiske that two-thirds of these were from the eastern portion of England.[2] Some came, as appears from the "Planters' Plea," from the west of England. Johnson[3] says that "the Wonder-working Providence of Sions Savour appears much in gathering together the stones to build up the walls of Jerusalem (that his Sion may be surrounded with Bulwarkes and Towers) and that with a whispering word in the eares of his servants he crosses the Angles of England from Cornewall to Kent, from Dover to Barwick, not leaving out Scotland and Wales." Of those that came, not more than twenty were members of the company.

What an English historian[4] says of the character of the immigrants who had exchanged the pleasant fields and homes of England for these wild shores will surely not be regarded as "ancestor-worship." "They were not," he says, "broken men, adventurers, bankrupts, criminals, or simply poor men and artisans. They were, in great part, men of the professional and middle classes; some of them men of large landed estates; some zealous clergymen, * * * some shrewd London lawyers, or young scholars from Oxford * * * driven forth from their fatherland not by earthly want, or by the greed of gold, or by the lust of adventure, but by the fear of God and the zeal for a godly worship."

Among those thus gathered in the New World

[1] Hutchinson says "above 1,500 passengers."

[2] *Beginnings of New England*, p. 63.

[3] *Wonder-working Providence:* Mass. His. Coll., 2 Ser., Vol. 4, p. 23.

[4] Green, *Short History of the English People*, p. 498.

were men noted in its history. There were women also worthy to be remembered. Some of them "came from a paradise of plenty and pleasure" in England "into a wilderness of wants." There were others too who had been accustomed to the comforts and luxuries of English life, and who were worthy to be the wives and mothers of the men whose names have been so deeply graven in history.

But in this historic group there are two figures standing out in bold relief. One is Winthrop, wise, conscientious, often honored by his fellow-citizens, always discharging his duties with dignity and scrupulous fidelity. He had been trained in England as a lawyer; when he left there he was forty-two years old. Through all its troubles, while he was at the helm, he guided the ship of state with consummate skill. There was in his character not the least trace of dissimulation or demagogy. Though never aggressive, he was resolute in maintaining his convictions of right. When the freemen clamored to strip the assistants of their right to cast a negative vote, he stood out against them, without regard to the effect upon his own popularity with them. When the clergy sought to shake off responsibility to the civil magistrates, he was as firm and unyielding in resisting their demands as he was in resisting the demands of the freemen.

Once, and only once, he was called upon by the General Court to render an account of his receipts and expenditures as governor. He did so, showing that he had expended for the commonwealth more than a thousand pounds in excess of his receipts, and,

with modest dignity, he added this conclusion to his report:

"I conclude with this one request, which in justice may not be denied me, that as it stands upon record that upon the discharge of my office I was called to account, so this declaration may be recorded also, lest hereafter, when I shall be forgotten, some blemish may lie upon my posterity, when there shall be nothing to clear it."

More than two hundred and fifty years have rolled by since this declaration was made, and yet Winthrop is not forgotten, nor has any blemish been found upon his record for his posterity to clear away.

The other figure is that of Endicott. Bold, impetuous, of unflinching convictions and indomitable will, he too was destined to wield great influence in the colony.

Mr. Fiske,[1] coupling him with Norton, styles them "two as arrant fanatics as ever drew breath"; and Mr. Brooks Adams, describing him as he sat at the trial of Wenlock Christison, smiting the table in anger and upbraiding the judges for their timidity and urging them to pass the sentence of death, gives us the grim picture of a man wearing a harsh face, looking down from under a black skull-cap, with determined mouth and massive jaw, "almost heroic in his ferocious bigotry and daring."

This is not a pleasant picture to look upon. One who has read the "Emancipation of Massachusetts" can not help feeling that the artist who drew the picture was not less ferocious than the figure he paints for

[1] *Beginnings of New England*, 179.

us. Still, no matter how we draw the picture—how we arrange the colors and dispose the lights and shades—we can not make a picture of Endicott as lovable, as pleasant to look upon, as that of Winthrop; the two were of altogether different types. But surely we can find in Endicott's character something to relieve the harshness of the portraits which Mr. Fiske and Mr. Adams have given us.

No one ever questioned Endicott's honesty, his courage, his frankness, or his unselfish devotion to public interests as he understood them. These are among the noblest of manly qualities.

It is quite easy, looking back over two hundred years, with the increased knowledge acquired in that time, to pick out the faults and mistakes of men then on the stage, and it is not very difficult to persuade ourselves that some of them were "fanatics." And yet it is not always so easy to determine whether the world would have been better off without them than with them.

In ordinary times, when the affairs of state are moving along smoothly, men like Polonius seem to be most popular with the people. But there are times when men of intense convictions, great courage, untiring energy, and resolute determination are the leaders most needed. In their excess of zeal they sometimes do things that more amiable men would not do. But when great reforms are to be pushed, when great revolutions are to be fought out, such men achieve results which would be impossible without them.

The emergencies which call such men to the front

usually require them to decide promptly and to act boldly, and the men we want in such emergencies are very apt sometimes to act arbitrarily. Grant did not hesitate when he banished the Jews from his military department; neither did Endicott when he sent the Brownes back to England.

We should not, in this age, like to see another Cromwell in England turning parliament out of doors at the point of the bayonet. But without Cromwell and his psalm-singing hosts at Marston Moor, English history and English liberty would probably be far different from what they are to-day.

John Brown at Harper's Ferry seems to be a typical fanatic, wasting human life in a hopeless and idiotic undertaking. But who can say now how much he did toward awakening the nation out of its lethargy and breaking the spell in which slavery had bound it?

Endicott, tearing the cross from the British flag because it was a symbol of Popery, may seem to us now to have acted very foolishly and fanatically. That he and his fellow Puritans committed a grievous mistake in their persecution of the Baptists and the Quakers, most of us will freely admit. But, after all these concessions, the question remains, whether the commonwealth would have been better off without Endicott than with him.

He had gone with the first little company sent by John White to America before Winthrop had thought of going. It may be doubted whether Winthrop would have undertaken what Endicott did.

During Endicott's life, the little colony was men-

aced with great dangers and difficulties within and without. It was torn with internal dissensions. There were bloody conflicts with the Indians who stood on the borders, ever threatening slaughter and desolation. Powerful foes in England were constantly scheming for the destruction of the infant commonwealth. One after another of the American colonial governments went down. The Massachusetts commonwealth alone faced the King of England to the last and yielded only to overpowering force.

In all these conflicts and dangers it is easy to see the figure of Endicott, to discern the influence of his iron resolution and dauntless courage, and, despite all his faults, to perceive his utter abandonment of all thoughts of self-interest, and his unselfish and untiring devotion to what he sincerely considered the welfare of his fellow-colonists. The secretary of state, under King Charles II, wrote a letter in which he said, "the King would take it well if the people would leave out Mr. Endicott from the place of Governor." It may be that, without Endicott, a republic would have come sometime—but when? And what kind of republic would have come? So that, after all, perhaps it may be that the considerate judgment of posterity will accord with that of Palfrey,[1] who says that "New England, when she counts up the benefactors eminently worthy of her grateful and reverent remembrance, can never omit his name."

Between the colonists and Old England, which

[1] Vol. 2, p. 600.

the most of them had looked upon for the last time when they left its shores, were three thousand miles of ocean. They had left dear homes and kindred and old associations, around which clung many tender memories. Before them was a vast continent and dense forests filled with savage beasts and savage men. A New England winter was coming on and homes were to be hewn out of the wilderness, fields were to be opened and tilled, food and clothing were to be provided, and in this "corner of the earth" a government was to be established.

A few white men had preceded the colonists of the Massachusetts company and had already made openings in the otherwise unbroken solitude around them. William Blackstone had settled at Shawmut and "claimed the whole peninsula upon which Boston is built because he was the first that slept upon it." Samuel Maverick was living upon Noddles Island, where he had built a little fort armed with four cannon. There were also a few families at Mattapan (Dorchester), and a few on the north side of the Charles river (Charlestown), who had moved there from Salem. There were also at the same time, or soon after, some families at Saugus (afterward Lynn).

On June 17, 1630, five days after the arrival of Winthrop at Salem, he and some of the principal colonists set out through the woods "to look out for a convenient place for their chief town," but they could not agree as to the location, and settled at various places, so that before the following winter there were settlements at Salem, Boston, Charles-

town, Mattapan (Dorchester), Watertown, Roxbury, Mystic and Saugus (Lynn.)

The colonists had all that they could do for several months after their arrival to provide shelter and food for the coming winter, but they were ill-prepared for it when it came. The weather became very cold on December 24, and we may well believe what Hutchinson says that "such a Christmas eve they had never seen before." Their provisions ran short, and even those who were in better circumstances than the others were compelled to live chiefly on clams and roasted acorns, and for several months their chief concern was to keep themselves alive. Many succumbed to their hardships and sickened and died, but those who were left were not of a kind to abandon the enterprise upon which they had set their hearts and staked their fortunes and their lives. They had taken the most difficult step when they had made a beginning.

II

MAKING A GOVERNMENT

The colonists undoubtedly had considered the establishment of a government of some kind before they left England. Undoubtedly also they were confronted on their arrival here with many new conditions which would necessarily have to be taken into consideration in any kind of government that they might attempt to frame and upon whatever foundation it might be established.

None of the colonists at that time seem to have entertained any idea of basing their government upon any other foundation than the charter which had been granted by King Charles I. They would have preferred a broader one if they could have obtained it, but the one they had was as liberal as they could get, and the only thing to do was to make the best of it.

But in the climate of New England the charter took on a marvelous growth, of which, at the time it was granted, neither Charles I nor those to whom it was granted could have had the slightest conception—more marvelous because of what was grafted upon it after it was transplanted here.

Whether the company had any legal right to transfer the corporation, charter and all, from England to America, is one of the questions about which there has been dispute from that time to this. But, whether

lawfully transferred or not, the charter was now on this side of the Atlantic, very fortunately for the colonists, as events subsequently proved, and whatever authority the members of the company had, or ever acquired, from either the King or the Parliament of England, to set up any kind of government in America, was contained in this document. As the colonists construed it, the authority it conferred was very extensive, and this is the reason why those who acted, or professed to act, under it, clung to it so long and so tenaciously and parted with it so reluctantly.

The evolution of the company from what some have termed a mere trading corporation into a great body politic, has given rise to profound discussions and is full of interest to all historical and political students. The men who procured the charter were sagacious and far-seeing, but it is doubtful if, when they obtained it, they imagined that it conferred all the powers that were afterwards claimed and exercised under it. Certainly Charles I never dreamed of granting such powers. Some of its provisions, it is true, were similar to those contained in the charter of the East India Company and of other trading corporations. It was understood to confer upon the grantees the absolute proprietary right, subject to certain specified reservations as to minerals, etc., in favor of the Crown, to all the territory included in the grant. Some of the powers granted, however, were so extensive and so loosely limited that much was left to construction.[1]

[1] Copies of the charter may be found in Hutchinson's *Coll.*, 1–24; 1 Mass. Rec., 3–20; *Charters and Constitutions* (Poore), pp. 932–942.

Among other powers granted to the corporation was the power to elect a governor, a deputy governor and eighteen assistants, to be chosen by the freemen of the company. They were to meet once a month, or oftener if they saw fit, and seven or more of the assistants, together with the governor or the deputy governor, were to constitute a quorum. Four times in each year "one greate generall and solempe assemblie" was to be called together, "which foure generall assemblies shall be stiled and called the foure greate and generall Courts of the saide Company." These were authorized to admit new freemen and

"To make Lawes and Ordinances for the Good and Welfare of the saide Company, and for the Government and ordering of the saide Lands and Plantation, *and the People inhabiting and to inhabit the same*, as to them from tyme to tyme shall be thought meete, soe as such Laws and Ordinances be not contrarie or repugnant to the Laws and Statuts of this our Realme of England."

Still more specific authority was given the General Court in a subsequent portion of the charter,

"To make, ordeine, and establishe all Manner of wholesome and reasonable Orders, Lawes, Statutes, and Ordinances, Directions, and Instructions, not contrarie to the Laws of this our Realme of England, as well for setling of the Formes, and Ceremonies of Government and Magistracy, fitt and necessary for the said Plantation, and the Inhabitants there, and for nameing and stiling of all sorts of Officers, both superior and inferior, which they shall finde needefull for that Government and Plantation, and the distinguishing and setting forth of the severall duties, Powers,

and Lymytts of every such Office and Place, and the Formes of such Oathes warrantable by the Lawes and Statutes of this our Realme of England, as shall be respectivelie ministred unto them for the Execution of the said severall Offices and Places; as also, for the disposing and ordering of the Elections of such of the said officers as shalbe annuall, and of such others as shalbe to succeede in case of Death or Removeall, and ministring the said Oathes to the newe elected Officers, and for Impositions of lawfull Fynes, Mulcts, Imprisonment, or other lawfull Correction, according to the Course of other Corporations in this our Realme of England, and for the directing, ruling, and disposeing of all other Matters and Thinges, whereby our said People, Inhabitants there, may be soe religiously, peaceablie, and civilly governed, as their good Life and orderlie Conversation, maie wynn and incite the Natives of Country, to the Knowledg and Obedience of the onlie true God and Savior of Mankinde, and the Christian Fayth, which in our Royall Intention, and the Adventurers free Profession, is the principall Ende of this Plantation."

The officers of the company were given

"Full and Absolute Power and Authoritie to correct, punishe, pardon, governe, and rule all such the Subjects of Us, our Heiress and Successors, as shall from Tyme to tyme adventure themselves in any Voyadge thither or from thence, *or that shall at any tyme hereafter, inhabite within the Precincts and Partes of Newe England aforesaid*, according to his Orders, Lawes, Ordinances, Instructions, and Directions aforesaid, not being repugnant to the Lawes and Statutes of our Realme of England as aforesaid."

Authority was given also

"To incounter, expulse, repell, and resist by Force of

Armes, as well by Sea as by Lande, and by all fitting Waies and Meanes whatsoever, *all such Person and Persons, as shall at any Tyme hereafter, attempt or enterprise the Destruction, Invasion, Detriment, or Annoyance to the said Plantation or Inhabitants*, and to take and surprise by all waies and meanes whatsoever, all and every such Person and Persons with their Shippes, Armour, Munition, and other Goodes, as shall in hostile manner invade or attempt the defeating of the said Plantation or the Hurt of the said Company and Inhabitants."

One of the limitations, it will be noticed, upon the power given to make laws, was, that they should not be "contrarie or repugnant" to the laws of England. Another limitation was,

"That all and every the Subjects of Us, our Heiress or Successors, which shall goe to and inhabite within the saide Landes and Premisses hereby mentioned to be graunted, and every of their Children which shall happen to be borne there, or on the Seas in goeing thither, or retorning from thence, *shall have and enjoy all liberties and Immunities of free and naturall Subjects* within any of the Domynions of Us, our Heires or Successors, to all intents, constructions, and Purposes whatsoever, as yf they and everie of them were borne within the Realme of England."

It was further provided that,

"Theis our Letters patents * * * shall be construed reputed and adjudged in all Cases most favorablie on the Behalf, and for the Benefitt and Behoofe of the saide Governor and Company and their Successors."

These grants of governmental powers, in connection with the fact that the chief and evident purpose

of the charter was to establish in a distant country a colony which would necessarily require a local government of some kind, of course implied such additional powers as were necessary to render effectual those expressly granted. It will be noted that the power granted to make laws was not limited to the making of mere by-laws for the regulation of corporate business or the corporate rights of the members. Jurisdiction was given over the "people inhabiting and to inhabit" the territory covered by the grant. The power and the jurisdiction so given were far greater than those necessary to enable a mere trading corporation to make by-laws and carry on business. They were much more extensive than the power and jurisdiction usually granted to municipal corporations in England at that time, or to such corporations in England or America at this day.

On the other hand the limitations already mentioned, and various others contained in the charter, indicate very clearly that Charles I had no intention of relinquishing sovereign control over the colony. Indeed he would have had no right to do so, even if he had so intended. The charter also expressly reserved the right of the sovereign power to collect "taxes, subsidies and customes," subject to certain exceptions, the most important of which were limited in duration to periods of from seven to twenty-one years.

It is obvious, however, that the charter left a large jurisdictional territory with very obscurely defined limits. Its language upon many questions, certain to be raised in controversies that were sure to arise, left

much to construction, without the aid of any well settled legal rules or precedents, and was calculated to cause, as it did cause, grave doubts and violent differences of opinion, some of which remain unsettled to this day.

As shown in a subsequent chapter[1] the construction which the colonists themselves, at a later period, gave to the charter, clearly appears in their discussions, after the execution of Charles I, as to their relation "to the State of England" and "what subjection we owed to that State." But some of the views entertained at that time were not even then publicly promulgated, and were not hinted at in any public record, document, or correspondence, while any king ruled in England.

No king ever acquiesced in the colonists' claim of right to exercise all of the powers which they did exercise, and afterwards, as explained in a subsequent chapter,[2] the exercise of such powers was successfully urged in England as a legal justification for the revocation of the charter; while in Massachusetts the legality of such revocation was never conceded.[3]

Whatever powers and jurisdiction were granted by the charter, it was upon this document that the colonists based, or professed to base, the government which they established.

There were, of course, no clearly marked boundaries in the charter between the executive, the legislative and the judicial powers of the government. The

[1] Chapter XIII.
[2] Chapter XVI.
[3] Chief-justice Shaw in Commonwealth vs. Alger, 7 Cush. 53–92.

governor does not seem to have been vested, either by the charter or by the laws subsequently enacted, with very extensive executive powers; but, from time to time, as the necessity for them arose, various general and local executive officers were provided for.

One of the first things attempted, as stated in the preceding chapter, was to locate the seat of government, but the location was not agreed upon until some time afterwards. In the second year the governor took down the frame of the house which he had erected in Newtown, and set it up at Shawmut, afterwards called Boston, from Boston in England, where the Rev. John Cotton had lived. The General Court met there on October 19, 1630, "for the establishinge of the government," and at a meeting held there on October 3, 1632, it was "thought by generall consent that Boston is the fittest place for publique meetings of any place in the Bay." And so Boston became the capital of the infant commonwealth.

Before this time, however, a government had been started. On August 23, 1630, ten weeks after Winthrop's arrival, the first meeting of the Court of Assistants in New England was held at Charlestown. At this meeting "Impse: it was propounded howe the ministers should be maintained, Mr. Wilson and Mr. Phillips only propounded." At the same meeting the process in civil actions was defined and the wages of carpenters and other mechanics were fixed. It was also "ordered that the Governor and Deputy Governor for the tyme being shall alwaies be justices of ye peace, and that Sir Richard Saltonstall, Mr. Johnson & Mr. Ludlowe shall be justices of the

peace for the present tyme ; in all things to have like power that justices of peace hath in England for reformation of abuses and punishing of offenders ; and that any justice of the peace may imprison an offender, but not to inflict any corperall punishment without the presence and Consent of some one of the Assistants."[1] The processes to be used in civil actions were also defined.

It soon became necessary to determine who should be entitled to the privileges of citizenship and what qualifications should be required. It has been supposed that not more than twenty of the original members of the company ever came over from England, and some of these returned. The great majority of those who were not freemen, but who had, equally with those who were freemen, contributed to the establishment of the colony, would not willingly have consented to be shut out from any voice in the management of its affairs. Moreover it was necessary, in order to carry on the government, to admit some of them to the privileges of citizenship. But, until the first General Court was held on October 19, 1630, none had been admitted freemen. One hundred and eighteen of the colonists had previously given notice of their desire to be admitted, and these were admitted at the first meeting. No religious test was then required.

Up to this time the management of the colony had been exercised chiefly by the governor and the assistants, and the latter, being desirous of retaining their power, had prevailed upon the freemen to con-

[1] Mass. Rec., Vol. 1, pp. 73, 74.

sent to orders, the object of which was to perpetuate the assistants in office and to give them the power of choosing the governor and deputy governor. But at the General Court of election in May, 1631, the freemen, in the meantime, having come to a clearer understanding of the charter, resumed the power, which it expressly gave them, of electing not only the governor and deputy governor, but the assistants also. At the same General Court a religious qualification was required as a condition precedent to admission to the privileges of citizenship, and it was now "ordered and agreed that for time to come noe man shall be admitted to the freedome of this body politique but such as are members of some of the Churches within the lymetts of the same." And no one could be admitted a freeman except upon taking the following oath:

"I A. B. being, by Gods providence, an inhabitant & ffreeman within the jurisdiction of this Commonweal, doe freely acknowledge myself to be subject to the government thereof & therefore doe hereby Sweare, by the greate & dreadfull name of the everlyveing God, that I will be true and faithful to the same & will accordingly yeilde assistance & support thereunto, with my personal estate, as in Equity I am bound, & will also truely indeavor to mainetaine & preserve all the libertyes and privilidges thereof submitting myselfe to the wholesome lawes & orders made & established by the same, and furthur that I will not plott nor practice any evill against it, nor consent to any that shall soe doe, but will timely discover & reveale the same to lawful aucthority nowe here established, for the speedy preventing thereof. Moreover, I doe solemnely bynde myself, in the sight of God, that when I shal be called to give my voice touching any such matter of this State, wherein freemen

are to deale, I will give my vote and suffrage, as I shall judge in my own conscience may best conduce & tend to the publique weale of the body, without respect of persons or favor of any man. Soe helpe mee God, in the Lord Jesus Christ."

Every man over 20 years of age, after having been a resident over six months and not admitted a freeman, was required to take the following oath of allegiance, upon pain of banishment in case of refusal:

"I doe hereby sweare and call God to witness, that being nowe an inhabitant within this jurisdiction of the Massachusetts, I doe acknowledge myselfe lawfully subject to the aucthoritie and government there established, and doe accordingly submitt my person, family and estate, to be protected ordered & governed by the laws and constitutions thereof and doe faithfully promise to be from time to time obedient and conformeable thereunto, and to the aucthoritie of the Governor & all other magistrates there and their successors and to all such lawes, orders, sentences, & decrees, as nowe are or hereafter shalbe lawfully made, decreed & published by them or their successors. And I will alwayes indeavor (as in duty I am bound) to advance the peace & well being of this body politique, and I will (to my best power & means) seeke to divert & prevent whatsoever may tende to the ruine or damage thereof, or of ye Governor, Deputy Governor, or Assistants or any of them or their successors, and will give speedy notice to them, or some of them, of any sedition, violence, treacherie, or other hurte or evill which I shall knowe, heare, or vehemently suspect to be plotted or intended against them or any of them, or against the said Commonwealth or government established. So help mee God."

Another question to be settled was the question as to the exercise of the legislative power. This was at first assumed by the assistants, but very soon the freemen demanded a right to representation, and in 1634 provision was made for the election of deputies to the General Court from each town.

There was no provision in the charter for establishing courts of any kind, but judicial as well as legislative power, from the beginning, was assumed by the General Court, and it exercised exclusive jurisdiction in both civil and criminal proceedings until 1639. In that year, and from time to time afterward, the Court of Assistants, county courts and various inferior courts were established, the General Court retaining appellate jurisdiction. The General Court exercised and retained original and exclusive chancery jurisdiction until 1685, when such jurisdiction was conferred upon the magistrates of the county courts.[1]

The exercise of the taxing power by the assistants caused much vigorous opposition and resulted in an order by the General Court in 1632, "that there should be two of every plantation appointed to confer with the Court about raising of a publique stock," a measure which, as Palfrey states, "proved to be the germ of a second house of legislature."

Measures were early taken for putting the colony upon a military footing, and forts and fortifications were erected at Castle Island, Charlestown, Salem and other points, train-bands were established, provisions made for watches and for the distribution of arms and ammunition, and military commissions

[1] See Chapter III as to the jurisdiction and procedure of the courts.

were, from time to time, created with general power "to dispose of all military affaires whatsoever."

Laws were also passed, which will be more particularly noted in another chapter, providing what should be a legal tender in payment of debts and taxes; also laws regulating weights and measures, and registry laws. New towns were from time to time established, and laws were enacted authorizing and defining the exercise of the right of local self-government. The beginning of a mail system was also made by appointing Richard Fairbanks, of Boston, postmaster, with authority to receive and deliver letters at specified rates. Various other laws of a general nature were enacted, some of which will be more particularly mentioned in subsequent chapters.

Much of the time of the General Court during the first ten years seems to have been taken up with settling disputes between towns as to their boundaries, and providing for the construction of roads and bridges and ferries and keeping them in repair, granting licenses for inns or ordinaries, and regulating the running at large of cattle and swine. Most matters of merely local concern were afterwards referred to the various towns.

From the beginning, the authorities of the little colony asserted the supremacy and dignity of the new commonwealth, and enforced respect to it and its officers. Thomas Dexter, in 1632, was ordered to be "sett in the bilbowes, disfranchised & fined 40 £ for speakeing reproachful & seditious words against the government here established & findeing fault to dyvers with the acts of the Court, sayeing this captious gov-

ernment will bring all to naught, adding that the best of them was but an atturney." And the next year, "Capt. John Stone for his outrage committed in confronting aucthority, abusing Mr. Ludlowe [one of the assistants] both in words and behavour, assaulting him & calling him a *just as*, is fined 100 £, and prohibited comeing within this pattent without leave from the Government under penalty of death." Peter Bussaker was "fined 5 £ for sleiteing the magistrates, or what they could do, saying they could but fine him." Richard Silvester, "for speaking against the law about hogs & against a particular magistrate was fined ten pounds."

Speaking disrespectfully of the churches or ministers was also severely punished. Katherine Finch for "speaking against the magistrates, against the churches & against the elders, was sensured to be whipped & committed till the General Court." "Mr. Ambros Martin, for calling the church covenant a stinking carryon & a humane invention & saying he wondered at God's patience, feared it would end in the Sharpe & said the ministers did dethrone Christ & set up themselves; he was fined 10 £ & counselled to go to Mr. Mather to bee instructed by him." Two Indian women were "adjudged to be whipped for their insolent carriage & abusing Mr. Weld," one of the ministers. Samuel Norman "was committed for want of security & was censured to be whipped for saying if ministers which come will but raile against England some would receive them." Edward Tomlins got into trouble by expressing "his opinions

aganst singing in the churches," but upon "retracting" them he was discharged.

Strict surveillance was also exercised by the authorities over those who, it was feared, might contaminate the colony by their vicious lives or heretical opinions, and in several instances such persons were banished under penalty of death in case of their return without permission.

William Foster "was informed that wee conceive him not fit to live with us: therefore hee was wished to depart before the General Court in March next." Mr. Thomas Makepeace, "because of his novile disposition was informed wee were weary of him, unless hee reforme."

Some of those banished were so dealt with chiefly on account of their immoral conduct, but others were banished solely for the reason that their religious opinions were deemed unsound and pernicious. John Wheelwright, Francis Hutchinson and others were so dealt with at an early date, and many others at a later period.

Careful scrutiny was also made of every new-comer, and in 1637 it was ordered, under severe penalties, that "noe towne or person shall receive any stranger resorting hither with intent to reside in this jurisdiction, nor shal alow any lot or habitation to any, or intertaine any such above three weekes, except such person shal have alowance under the hands of some one of the counsell or of two other of the magistrates."[1] Those who had been excommunicated by the churches were special objects of suspicion, and

[1] Mass. Rec., Vol. 1, pp. 196, 228.

in 1638, a very severe law was passed providing that:

"Whereas it is found by sad experience that diverse persons, who have been justly cast out of some of the churches do prophanely contemne the same sacred & dreadful ordinance, by presenting themselves overbouldly in other assemblies & speaking lightly of their censures, to the great offence & greefe of God's people & incuragement of evil minded persons to contemne the said ordinance, it is thereford ordered, that whosoever shall stand excommunicate for the space of 6 months without laboring what in him or her lyeth to be restored, such person shal bee presented to the court of Assistants & there proceeded with by fine, imprisonment, banishment or furthur, for the good behaviour, as their contempt & obstinacy upon full hearing shall deserve."[1]

It is true that this harsh law was repealed the next year,[2] but prosecutions continued for a long time afterwards, which, though nominally for violation of some other law, were in reality designed to punish by fine, imprisonment, or banishment, those who had been expelled from the churches.

In the ten years following the first meeting of the Court of Assistants in 1630, the little colony had made rapid progress in establishing a government. A capital had been selected; the framework of a legislative and of a judicial system had been constructed; a system of taxation had been devised; regulations had been adopted for the acquisition and transfer of real and personal property; a military establishment had been effected; a beginning had been made in the system of local governments, and many

[1] Mass. Rec., Vol. 1, p. 242.
[2] Mass. Rec., Vol. 1, p. 271.

minor details in putting into operation and carrying on a government had been settled. The territory of the little commonwealth had expanded and the population had increased. In 1640 there were 17 towns included in the tax rate, and at the General Court held in 1641 there were, besides the governor and the assistants, 35 deputies. But there were still lacking some essentials of a well-ordered government. There was nothing, beyond the charter, bearing even the semblance of a constitution defining the cardinal rights of the citizens, nor was there anything like a code of laws.

When the first deputies came together they at once demanded "a sight of the patent," and, having examined it, they came to the conclusion that all the prior laws, not made by the General Court, were illegal and should be abrogated. The governor, however, gave them an explanation on this point which eased their minds.

But the deputies were not satisfied with the manner in which the laws were made and enforced. Some had not been made by the General Court; none had been printed; they had not been compiled or arranged in any methodical order, and they were buried in records to which the general public had not access. If the magistrate himself knew what the law was, it was likely that the litigants did not, and they were not allowed lawyers to find it for them. But often there was no law at all governing the case, and then the magistrate decided according to the scripture rule, if one could be found to fit the litigation. If, as frequently happened, neither legal nor scrip-

tural authority could be found, then the magistrate decided according to his own notions of justice or upon the advice of the ministers. Persons were tried and punished, and sometimes very severely punished, for offenses not defined in any statute of England or of the commonwealth. Men were banished from the colony though no specific crime had been proved or alleged against them, and without any reason publicly given other than the statement that "they were not fit to live with us." They were even arraigned and reprimanded for alleged misconduct committed on the other side of the Atlantic, and before they had become residents of the commonwealth, as in the case of John Woolrige, who, "appearing upon the indictment of the grand jury, confessed his fraude & drunkenness in Ould England, for which he was sharply reproved & seriously admonished." Until the adoption in 1641 of the Body of Liberties, "the law dispensed by the magistrates," according to Palfrey, "was no other than equity as its principles and rules existed in their own reason and conscience instructed by Scripture."

This was a very loose and unsatisfactory method of determining legal rights. The freemen of the colony soon became restive under it, and, as early as 1635, "the deputies, having conceived great danger to our state, in regard that our magistrates, for want of positive laws, in many cases might proceed according to their discretions,"[1] insisted upon the adoption of a body of "fundamental laws."

Accordingly, in May, 1635, the governor, the

[1] Winthrop, Vol. 1, p. 160.

deputy governor, John Winthrop and Thomas Dudley, Esq., were deputed by the General Court "to make a draught of such lawes as they shall judge needefull for the well-ordering of this plantation & to present the same to the Court." In May, 1636, a further order was made that:

"The Governor, Deputy Governor, Tho. Dudley, John Haynes, Rich. Bellingham, Esq., Mr. Cotton, Mr. Peters & Mr. Shepheard are intreated to make a draught of lawes agreeable to the word of God, which may be the ffundamentalls of this Commonwealth & to present the same to the nexte General Court. And it is ordered that in the meane tyme the magistrates and their assistants shall proceede in the Courts to heare & determine all causes according to the laws nowe established & where there is noe law, then as neere the lawe of God as they can."

On the 25th of October, in the same year, the Rev. John Cotton, who had been "requested by the General Court, with some other ministers, to assist some of the magistrates in compiling a body of fundamental laws, did this court present a copy of Moses, his judicials, compiled in an exact method."[1] Doubtless it occurred to some of the General Court that Moses himself would probably have made some additions to the Mosaic law to make it suit the necessities of the people inhabiting the colony of Massachusetts Bay, and so Cotton's code was not adopted. The subject came up again in the General Court held in March, 1637–8, and in an order reciting how it had been found, "by the little time of experience wee have heare had, that the want of written lawes have

[1] Winthrop, Vol. 1, p. 202.

put the Court into many doubts & much trouble in many particular cases," it was directed that the freemen of each town should

"Assemble together in their severall townes & collect the heads of such necessary & fundamentall lawes as may bee sutable to the times & places whear God by his providence hath cast us & the heads of such laws to deliver in writing to the Governor for the time being before the 5th day of the 4th month, called June, next, to the intent that the same Governor, together with the best of the standing council & Richard Bellingham Esq., Mr. Bulkley, Mr. Philips, Mr. Peters, & Mr. Shepard, elders of severall Churches, Mr. Nathaniel Ward, Mr. William Spencer, & Mr. Will Hauthorne, or the major part of them, may, upon survey of such heads of lawes, make a compendious abrigment of the same by the General Court in Autume next, adding yet to the same or detracting therefrom what in their wisdomes shall seeme meete."

The same committee was directed to prepare, for submission to the General Court, a revision of the orders already made. In 1639 it was ordered that

"The Governor, Deputy Governor, Treasurer & Mr. Stoughton or any three of them, with two or more of the deputies of Boston, Charlestowne, or Roxbury, shall peruse all those modells which have bene or shalbe presented to this Court or themselves, concerning a forme of government & lawes to bee established & shall drawe them up into one (altering, ading, or omiting what they shall thinke fit) & shall take order that the same shalbee coppied out & sent to the severall townes, that the elders of the churches & freemen may consider of them against the next Generall Court."

At the General Court held in May, 1640, an order was made reciting that "Whereas a breviate of lawes was formerly sent fourth to bee considered by the elders of the churches & other freemen of this commonwealth, it is now desired that they will endevor to ripen their thoughts and counsells about the same by the Generall Court in the next 8th month." Such progress was made that in October, 1641, "The Governor and Mr. Hauthorne were desired to speake to Mr. Ward for a coppey of the liberties & of the capitall lawes to bee transcribed & sent to the severall townes," and in December following, "Mr. Deputy Endecot, Mr. Downing & Mr. Hauthorne are authorized to get 19 coppies of the lawes, liberties & the formes of oathes transcribed and subscribed by their severall hands, & none to bee authentick but such as they subscribe & to bee paid for by the cunstable of each towne 10s a peece for each coppey & to bee prepared within sixe weekes."

The last entry in the record of the proceedings of the same General Court, said to be in the handwriting of Gov. Winthrop, is this: "At this Court the bodye of lawes formerly sent forth among the ffreemen was voted to stand in force."

The provisions of the Body of Liberties, thus adopted, will be more fully considered in the next chapter. Its adoption marks the completion of one of the most important of the preliminary proceedings in the establishment of a government for the new commonwealth.

III

PURITAN LAWS, LAWYERS AND COURTS

It is difficult to write about law in such a way as to make what is written interesting even to lawyers, and much more difficult to make what is written interesting to the general reader. But we can not understand the history of any people without knowing something about their laws, and it is utterly impossible to understand the history of the Massachusetts Puritans without a close and careful study of those which they adopted. A very general outline of them, however, is all that will be attempted in this chapter. In regard to some of them more specific mention is made in other chapters. The steps preliminary to the adoption of the Body of Liberties have been mentioned in the preceding chapter. The delay in enacting a general code of laws, according to Winthrop, was due partly to the fact that the General Court wished fuller information as to the "nature and disposition of the people," and partly to the fear of enacting a code that might "transgress the limits" of the charter.

"Without overrating the influence of any one man," says Mr. Whitmore,[1] "in the preparation of this admirable code, and believing firmly that it em-

[1] Col. Laws 1660–1672, p. 19.

bodied the best judgment of Winthrop and other leaders, there seems to be no reason to doubt that the main literary work, at least, was due to Nathaniel Ward, and that his legal abilities and training were at least equal to those of any of his associates." The code is not merely a curious relic of the past, but is of great historic value. Chief Justice Shaw[1] says that "the term 'liberties' was used as synonymous with laws or legal rights founded and established by law." He suggests that they were so called because "it might seem to them less arrogant to set forth and declare their liberties and rights in this form than to enact in terms a body of laws which might seem to indicate a disregard for the authority of the Mother Country." In the same opinion he says that "they bear internal evidence of having been drawn with great skill and legal accuracy and have a constant reference to the established principles of the laws of England."

By this code it was provided that "No man's life shall be taken away, no man's honour or good name shall be stayned, no man's person shall be arested, restrayned, banished, dismembered, nor any wayes punished, no man shall be deprived of his wife or children, no man's goods or estaite shall be taken away from him, nor any way indammaged under coulor of law or Countenance of Authoritie, unlesse it be by vertue or equitie of some expresse law of the Country waranting the same, established by a generall Court and sufficiently published, or in case of

[1] Commonwealth vs. Alger, 7 Cush. 53–70.

the defect of a law in any parteculer case by the word of god."

It was also provided that "Every person within this Jurisdiction, whether Inhabitant or forreiner, shall enjoy the same justice and law, that is generall for the plantation, which we constitute and execute one towards another without partialitie or delay."

The right of trial by jury in both civil and criminal cases was secured. No man was to be twice sentenced "for the same crime, offence or Trespasse." Torture was forbidden except when, after conviction of a man, "it is very apperent there be other conspiratours or confederates with him. Then he may be tortured, yet not with such Tortures as be Barbarous and inhumane." Barbarous and inhuman bodily punishments were prohibited. Slavery and villeinage were prohibited "unless it be lawfull Captives taken in just warres and such strangers as willingly selle themselves or are sold to us." Christian refugees "from the Tıranny or oppression of their persecutors, or from famyne, warres, or other like necessary or cumpulsarie cause" were to be "entertayned and succoured."

Ten crimes were punished capitally, viz., idolatry, witchcraft, blasphemy, murder, whether with premeditated malice or sudden anger or cruelty of passion, or "through guile, either by poysoning or other such divelish practice," bestiality, sodomy, adultery with a married or espoused wife, stealing, perjury in capital cases, and treason.

The lawmakers, it is clear, did not then feel safe in declaring capital punishment except upon scrip-

tural authority, and fortified themselves with scriptural references which are printed on the margin of the page whereon the offenses are defined. Thus the law against witchcraft is printed as follows:

"Ex. 22, 18, Lev. 20, 27. Dut. 18, 10. } If any man or Woeman be a witch, (that is hath or consulteth with a familiar spirit,) They shall be put to death."

Among the provisions respecting the transmission of property it was provided that "All our lands and heritages shall be free from all fines and licenses upon Alienations, and from all hariotts, wardships, Liveries, Primerseisins, yeare day and wast, Escheates, and forfeitures, upon the deaths of parents or Ancestors, be they naturall, casuall or juditiall."

The laws in relation to judicial proceedings provided for appeals and contained the essence of the English statute of amendments and jeofails by providing that, "No summons, pleading, Judgement, or any kinde of proceeding in Court or course of Justice, shall be abated, arested or reversed upon any kinde of cercumstantiall errors or mistakes, if the person and cause be rightly understood and intended by the Court."

Monopolies were forbidden "but of such new Inventions that are profitable to the Countrie, and that for a short time." Other provisions in the Body of Liberties will be noted hereafter.

Libel and slander were not specified as criminal offenses in the Body of Liberties, but in 1645 a law was passed[1] whereby it was made a penal offense,

[1] Col. Laws 1660–1672, p. 171.

punishable by fine and the stocks, for any person of the age of discretion (fourteen years), "to wittingly and willingly make or publish any lye, which may be pernicious to the public weal, or tending to the damage or injury of any particular person, or with intent to deceive and abuse the people, with false newes and reports."

Some have looked upon this law as ridiculous and impracticable, but the object of it was probably not widely different from that of the modern laws against criminal libel.

Other laws were enacted from time to time and several revisions were made, one in 1649, one in 1660 and another in 1672. The revision of 1649 was the first code of laws published in America. No copy of it is known to be extant, but it is supposed to have been incorporated into that of 1660.[1]

Besides the laws already mentioned, and those which will be specially mentioned in subsequent chapters, there are a few others deserving of attention.

A curious law was passed in relation to the election of assistants and the "stuffing of the ballot box" and illegal voting, whereby it was provided, "That for the yearly choosing of Assistants, the freemen shall use Corn & Beanes, the Indian Corn to manifest Election, the Beanes contrary, and if any freeman shall

[1] Recently there have been published, by authority of the city of Boston, two volumes of these colonial laws, one containing the Body of Liberties, the revision of 1660, and the supplements to 1672; the other containing the revision of 1672 and the supplements to the dissolution of the General Court on May 20, 1686. These volumes have been edited by Mr. William H. Whitmore, and are enriched with copious and valuable notes.

put in more than one Indian Corne or Beane for the Choice or refusal of any Public Officer, he shall forfeit for every such offense, Ten Pounds, and that any man that is not free, or hath not liberty of voting, putting in any vote shall forfeit the like Summ of Ten Pounds."

The laws made minute provisions for the raising of revenue for the support of the general and local governments and defraying "all common charges both civil and ecclesiastical," which included "an honorable allowance * * * to the minister, respecting the ability of the place." Direct taxes were laid upon polls and real and personal property. Duties were imposed upon imported goods. License fees were collected from innkeepers, retail liquor dealers, Indian traders and others, and income taxes were collected of butchers, bakers, smiths, carpenters, millers and other artisans and handicraftsmen. Few exemptions, and these only to a partial extent (except in case of the ministers), were allowed.

The taxes for the support of the general government, and the rates therefor, were established by the General Court. The town rates were fixed by officers selected by the inhabitants.

Some difficulty seems to have been experienced in defining the tenure of lands, but the colonists found authority in the Bible. The Indian title was recognized in a law, passed in 1652, wherein "It is Declared and Ordered by this Court and the Authority thereof that what Lands any of the Indians in this Jurisdiction have possessed and improved by subduing the same, they have just right unto, according

to that in Gen. 1, 28 & chap. 9, 1 and Psal. 115, 16." The same act provided redress "if any Plantation or Person of the English, shall offer injuriously to put any of the Indians from their Planting grounds or Fishing places," and prohibited the buying of land from any Indian "without license first had and obtained of the General Court."

The same act defines the authority of the General Court over lands in the colony as follows: "And further it is ordered by this Court and the Authority thereof, and be it hereby Enacted, that all the tract of Land within this Jurisdiction, whether already graunted to any English plantations or persons, or to be graunted by this Court (not being under the qualifications of right to the Indians) is, and shall be accounted the just Right of such English as already have, or hereafter shall have graunt of Lands from this Court, and the Authority thereof; from that of Genesis 1, 28 and the Invitation of the Indians." Another law gave towns authority to "dispose of their own lands and woods."

By the Body of Liberties[1] it was provided that the eldest son of a person dying intestate should have a double portion of the real and personal estate, unless the General Court should, for just cause, adjudge otherwise. By this it was probably intended to abolish the English law of primogeniture, and it is also probable that the intention was not more clearly expressed lest the law might be regarded as repugnant to the charter. The laws made many and minute provis-

[1] No. 81.

ions regulating the domestic relations. The laws as to marriage will be noticed in another chapter.[1]

No grounds for divorce were specified in the laws, but Cotton Mather enumerates some of the causes which would justify the civil magistrates in declaring the divorce of married persons, chief among which were adultery, impotence, and malicious desertion.[2]

To put at rest the question whether it was lawful, as it was supposed to be in England, for a man to whip his wife with a stick, "if no bigger than his little finger," it was expressly provided in the Body of Liberties, that "Everie marryed woeman shall be free from bodilie correction or stripes by her husband, unlesse it be in his owne defence upon her assalt. If there be any just cause of correction, complaint shall be made to Authoritie assembled in some Court, from which onely she shall receive it."

A great many laws were passed to compel obedience of children to their parents, and to provide for their religious training. The death penalty was denounced against children who cursed or smote their parents and against rebellious sons, though there is no record of the actual infliction of this penalty.

Various provisions also were made in reference to servants, and one very humane provision was that "Servants that have served deligentlie and faithfully to the benefitt of their maisters seaven yeares, shall not be sent away emptie."

It can not be denied that slavery, to a limited extent, was recognized by law in the Massachusetts colony,

[1] Chap. 5.
[2] *Magnalia*, Vol. 2, p. 253.

as appears by the law quoted in another chapter. But no law was ever enacted making slaves of the children of slaves, and the very atmosphere of Massachusetts was always uncongenial to slavery.

It would not be practicable to give even a synopsis of all the laws in the volumes referred to. A great part of these relate to the organization of the government, and the machinery for carrying it on, defining the powers, duties and fees of officers, the organization of courts and procedure therein, the assessment and collection of taxes, imposts and licenses, elections, the support of the poor, etc. Some of them define crimes and punishments. Others relate to property, the laws of descent, administrators, executors and guardians, dower, and the alienation of real and personal property. Many of them, such as those relating to estrays and trespassing animals, brands, marks, pounds, markets, weights and measures, bounties for wolves and dealing with Indians, are such as are found upon the early statute books of all the states, and find expression in many of our modern laws.

Various crimes were punished capitally. Some of these have already been mentioned. Others were added—arson, burglary (third offense), cursing or smiting a parent, denial of the word of God (second offense), highway robbery (third offense), return of Jesuits and Quakers after banishment, man-stealing, rape of a maid or a single woman, rebellion and rebelliousness of a son.

Cutting off the ears was the penalty for burglary (first and second offenses), and some other offenses.

Branding was inflicted for burglary and highway robbery, and also upon vagabond Quakers and rogues.

Banishment was the penalty for defamation or denial of the authority of the magistrates, and for persistent heresy. It was imposed upon Anabaptists, Quakers and Jesuit ecclesiastics.

Whipping was the penalty for a great number of crimes, such as defamation of the magistrates, disobedience of children, drunkenness, firing woods, fornication with a single woman, injurious lying, profanation of the Lord's day, rescue of cattle from pound, reviling the office or person of magistrate or minister, and theft by children or servants, and it was also the penalty for the first offense in the case of various crimes, the repetition of which was more severely punished.

Putting in the stocks, sometimes called "bilboes," was the penalty visited upon disorderly soldiers, drunkards and tipplers, and persons guilty of profane cursing and some other misdemeanors.

Disfranchisement was inflicted upon those guilty of defamation of magistrates, fornication and refusal to attend public worship.

Fines were imposed for a great many offenses. The profound religious spirit that controlled the lawmakers is manifest from what has already been said. It is still further manifest by the scriptural quotation printed on the title page of the revision of 1660: "Whosoever therefore resisteth the Power, resisteth the Ordinance of God: and they that resist, receive to themselves damnation. Rom. 13, 2." While all of

these laws are interesting, as indicating the character of the times, some of them, which will be noticed more fully in other chapters, will attract our special attention.

That these laws were enforced, and very rigidly enforced, there is abundant evidence. The Puritans did not believe in dead-letter laws. The old colonial records abound in entries of convictions for trivial offenses, which now would be only lightly punished, if punished at all, where the sentence was that the culprit should be whipped, or set in the bilboes, or stand in the market place with his tongue in a cleft stick.[1]

Nor is there any evidence of partiality in the imposition of penalties. The records contain numerous instances of fines imposed upon assistants, deputies and other officials and prominent citizens. Women, as well as men, were sentenced to be whipped, or to stand with the tongue in a cleft stick for offenses for which such punishments were the penalties. In at least one case it seems that the authorities leaned rather too strongly against the woman, and in favor of the man, for it is recorded that: "George Palmer having committed folly with Margary Ruggs, through her allurement, because hee confessed voluntarily, hee was onely set in the stocks and so dismissed. Margary Ruggs, for entising and alluring George Palmer was censured to be severely whipped."

Further illustrations of the severity with which the laws were enforced are given in other chapters. Nor

[1] See Hutchinson, Vol. 1, p. 384–5; Hudson's *His. Marlborough*, 242, 244.

was any partiality shown by reason of rank or station. One amongst the first to be punished was Sir Richard Saltonstall, who, in 1630, was fined £5 for whipping two persons when no other assistant was present. Endicott, who was then an assistant, was provoked into committing an assault and battery upon one Dexter; thereupon the former was tried by a jury and fined 40 shillings.[1]

The laws already referred to (and there were many others of the same kind), show that nothing was exempt from the close supervision of the commonwealth. It exercised, even in matters of a purely domestic and social character, a surveillance that would not now be thought of, much less tolerated. The laws regulating apparel, the catechising of children and servants, and others of like character, are noted more fully in other chapters. So far as they could do so, the magistrates sought even to invade men's hearts and drag out their secret thoughts and pass judgment upon them.

Lynn was settled in 1629. In Lewis's history of the town, copious extracts are given from the records of the quarterly courts, which are probably fair samples of what appears in the records of other towns, covering the same periods, and which give us a good idea of what conduct was regarded as criminal in those days and of the kind of punishments inflicted.

Roger Scott, in 1643, was presented "for common sleeping at the public exercise upon the Lord's day, and for striking him that waked him," and in December following, as he still persisted in going to

[1] Palfrey, Vol. I, p. 327.

sleep at meeting, he was sentenced "to be severely whipped." In 1644 William Hewes and John, his son, were presented "for deriding such as Sing in the Congregation, tearming them fools, also William Hewes for saying Mr. Whiting preaches confusedly." In 1645 Samuel Bennett was presented "for saying in a scornful manner, he neither cared for the Towne, nor any order the Towne could make." In 1649 "Mathew Stanley was tried for winning the affections of John Tarbox's daughter without the consent of her parents. He was fined £5 with 2s 6d fees. The parents of the young woman were allowed six shillings for their attendance three days." In the same year Nicholes Pinion was fined for swearing, "——— all his pumpkins were turned to squashes." In 1652, Ester, wife of Joseph Jynkes, was presented "for wearing silver lace"; Robert Burgess "for bad corn-grinding," and other persons "for wearing great boots and silk hoods"; and William Witter was presented "for neglecting the public ordinances and being rebaptized." In 1667, Nathaniel Kertland, John Witt and Ephraim Hall were presented "for prophaning the Lords day By Going to William Craft's house in time of publike exercise (they both being at meeting) and Drinkeing of his sider and Rosting his Apples without eyther the consent or knowledge of him or his wife."

To enforce the laws required a great number of local officials. Mr. Howard has given us a list of "the vast number of minor public functionaries" employed by the different towns, and says that "there seems to have been a restless anxiety in

these little democracies to bring every possible subject within the purview of the town meeting or the magistrates chosen by it. There was a minute interference with private business; a degree of official intrusion, which we should now feel intolerable."[1]

Looking over these old laws we must admit that, judged by modern ideas, many of them were severe and oppressive. But, in justice to the early Puritans, we should judge them and their laws by the light which they had, and not by that which two and one-half centuries of study and experience have given us. Nor should we attribute the harshness of their laws altogether to the austerity of their religion. Their criminal laws, like most of the criminal laws of the other colonies, were substantial re-enactments of those of the mother country, and these we know were, many of them, characterized by penalties far more frightful and atrocious than the offenses they were intended to punish.

When Blackstone wrote his "Commentaries on the Laws of England," nearly a hundred years after the end of the Massachusetts commonwealth, he acknowledged it as "a melancholy truth that among the variety of actions which men are daily liable to commit, no less than a hundred and sixty have been declared by act of parliament to be felonies without benefit of clergy; in other words, to be worthy of instant death." He adds that so "dreadful a list, instead of diminishing, increases the number of offenders."[2]

[1] *Local Constitutional History of the United States*, Chapter on "*Rise of the New England Town*," pp. 96–99.

[2] *Commentaries*, Vol. 4, p. 18.

Hangings, burning people in the hand, cropping their ears, slitting their tongues were so common that standing in the pillory and whipping were regarded as mild punishments.

Not the slightest conception of the reformation of the offender then entered into the minds of the law-makers anywhere, and the ruling idea of most of the penal laws was to wreak society's vengeance upon the criminal and, if he was a little worse than common, that it was "easier to extirpate than to amend" him.

The graphic picture which Dickens gives in the "Tale of Two Cities," of crimes and criminals in England in 1775, is not overdrawn. "In the midst of these the hangman, ever busy and ever worse than useless, was in constant requisition; now stringing up long rows of miscellaneous criminals; now hanging a housebreaker on Saturday who had been taken on Tuesday; now burning people in the hand at Newgate by the dozen, and now burning pamphlets at the door of Westminster Hall; to-day taking the life of an atrocious murderer, and to-morrow of a wretched pilferer who had robbed a farmer's boy of sixpence."

In Dillon's "Oddities of Colonial Legislation" there is an extensive collection of some of the harshest of the penal laws of England and the American colonies. A very cursory examination of them will show that the early criminal laws of Massachusetts were neither much better nor much worse than were those of the other colonies.

Much censure and ridicule has been heaped upon the Puritans because of their belief in, and their laws

against, witchcraft, but we have only to consult the encyclopedias to find that belief in witchcraft is a dreadful delusion which, from time to time, has prevailed all over the world, civilized as well as uncivilized, and has led to frightful sacrifice of human life. Even Sir William Blackstone in his Commentaries acknowledges his belief in it.[1] The English statute against witchcraft, passed during the reign of James I, was substantially re-enacted in Virginia, Maryland, Delaware, South Carolina, Pennsylvania and the other American colonies, as well as in Massachusetts. The Pennsylvania statute continued in force until 1794.[2]

But this much must be said of the Body of Liberties: That it affirms all the cardinal principles of Magna Charta and the common law of England for the protection of the liberty of the citizen and the rights of property, the most of which have been copied into our national and state constitutions.

Lechford, in "Newes from New England," written in 1641, has given us an account of the courts in the early period of the commonwealth, which, as he was himself a lawyer, may be depended upon as being accurate. He says:[3]

"There are two generall Courts, one every halfe yeare, wherein they make Lawes or Ordinances. The Ministers advise in making of Laws, some especially Ecclesiasticall, and are present in Courts, and advise in some speciall causes criminall, and in framing of Fundamentall Lawes. But not many Fundamentall Lawes are yet established, which when

[1] Vol. 4, p. 60.
[2] Dillon's *Oddities of Colonial Legislation*, p. 32.
[3] Mass. His. Coll., 3d Ser., Vol. 3, p. 83.

they doe, they must, by the words of their Charter, make according to the Laws of England, or not contrary thereunto. Here they make taxes and levies. There are besides foure quarter Courts for the whole Jurisdiction, besides other petie Courts, one every quarter at Boston, Salem, and Ipswich, with their severall jurisdictions, besides every towne, almost, hath a petie Court for small debts and tresspasses under twenty shillings.

In the generall Court, or great quarter Courts, before the Civill Magistrates, are tryed all actions and causes civill and criminall, and also Ecclesiasticall, especially touching non-members. And they themselves say that in the generall and quarter Courts, they have the power of Parliament, Kings Bench, Common Pleas, Chancery, High Commission, and Star Chamber, and all other Courts of England, and in divers cases have exercised that power upon the Kings Subjects there, as is not difficult to prove. They have put to death, banished, fined men, cut off mens eares, whipt, imprisoned men, and all these for Ecclesiasticall and Civill offences and without sufficient record. In the lesser quarter Courts are tryed, in some, actions under ten pound, in Boston, under twenty, and all criminall causes not touching life or member. From the petie quarter Courts, or other Court, the parties may appeale to the great quarter Courts, from these to the generall Court, from which there is no appeale, they say. Notwithstanding, I presume their Patent doth reserve and provide for Appeales in some cases, to the Kings Majesty."

The assistants, usually styled magistrates, presided over the courts in the counties where they resided, and justices of the peace and commissioners of small causes were, from time to time, appointed by the General Court to hold local courts for the trial

of petty cases. Marshals and constables were appointed to serve the processes of the various courts.

In the quarter courts grand juries were sworn twice a year, "charged to enquire and present offenses reduced by the Governor, who gives the Charge, most an-end, under the Heads of the ten commandments"; "matters of debt, tresspasse, and upon the case, and equity, yea and of heresie also, are tryed by a jury."[1]

The forms of judicial proceedings were simple, and not much attention was paid to the troublesome distinctions which prevailed in England between the forms of actions. Until 1662 the writs did not even bear the king's name.

There was this curious provision in relation to jurors, which was probably intended, as lawyers were not permitted either to enlighten or to befog them, to enable them to consult the "minister": "Whenever any Jurie of trialls or jurours are not cleare in their judgments or consciences conserning any cause wherein they are to give their verdict, they shall have libertie in open court to advise with any man they thinke fitt to resolve or direct them, before they give in their verdict."

Lechford complained that "seldome is there any matter of record, saving the verdict, many times at randome taken and entered, which is also called the judgment. And, for want of proceeding duly entered upon record, the government is clearely arbitrary, according to the discretions of the Judges and Magistrates for the time being."

[1] Lechford.

But this evil was remedied in 1639 by an order made reciting the evils consequent upon the rendition of judgments "whereof no records are kept of the evidence & reasons whereupon the verdict & judgment did passe," and providing "that thenceforward every judgment, with all the evidence, bee recorded in a booke to be kept to posterity."[1]

At the beginning of the commonwealth there were not a great many law books even in England. What there were are mentioned by Chancellor Kent in his Commentaries.[2] Most of these were written in a dialect unintelligible to most persons except judges and lawyers. In 1647 the General Court made this provision: "It is agreed by the Court, to the end we may have the better light for making and proceeding about laws, that there shall be these books following procured for the use of the Court from time to time: Two of Sir Edw. Cooke upon Littleton; two of the book of Entryes; two of Sir Edw. Cooke upon Magna Charta; two of the New Terms of Law; two Daltons Justice of Peace; two of Sir Edwd. Cooke's Reports."

But limited as was the supply of law books, the supply of lawyers was still more limited. The supply, however, exceeded the demand. It is not meant by this that the colonists were all destitute of legal learning. There were several who had received a legal education in England; and that there were some

[1] Mass. Rec., Vol. 1, p. 275. Prof. Emory Washburn, a writer of acknowledged authority, has fully explained the organization, jurisdiction and procedure of the courts of the commonwealth in the *Judicial History of Massachusetts.*

[2] *Lectures*, 12 and 22.

among the colonists who understood the cardinal principles of English law is evident from the Body of Liberties. Ward, who is said to have compiled them, graduated at Emmanuel College, Cambridge, in 1603, and studied and practiced law in England, and we have no reason to doubt his statement in the "Simple Cobbler" that he had "read almost all the Common Law of England and some Statutes." But it is certain that in the days of the Puritan commonwealth the professional lawyer was almost, if not quite, ignored in the administration of the government. Prof. Washburn says that "it was many years after the settlement of the colony before anything like a distinct class of Attorneys at Law were known. And it is doubtful if there were any regularly educated Attorneys who practiced in the courts of the colony at any time during its existence."[1] Palfrey states that so late as the time of the witchcraft trials, a few years after the expiration of the commonwealth, "there were no trained lawyers in the Province."

That the profession had become almost extinct during the commonwealth period appears from a letter written by Edward Randolph to Mr. Povey in 1687, wherein he says: "I have wrote you of the want we have of two or three honest attorneys (if any such thing in nature). We have but two, one is West's creature, come with him from New York, and drives all before him. He also takes extravagant fees, and for want of more, the country can not avoid com-

[1] *Judicial History of Mass.*, p. 50.

ing to him, so that we had better be quite without them than not to have more."[1]

The drawing of wills, deeds, and other legal writings was usually done by the justices and ministers. The practice of the ministers doing such work was continued far into the eighteenth century. The Rev. John Swift of Framingham, who was ordained there in 1701 and died in 1745, seems to have written most of the wills of the inhabitants there during that period.[2]

A litigant, "finding himselfe unfit to plead his owne cause in any Court," had liberty "to imploy any man against whom the Court doth not except, to help him, provided he give him noe fee or reward for his paines." We might infer that this was simply a re-enactment of the old English law which forbade counsel receiving a fee, leaving him to such gratuity as the client might choose to give him, and that this was all the disability under which the lawyer labored. But this was not all. The lawyers were never in favor with the persons in authority in the commonwealth. Two of the men who had early raised disturbances in the infant commonwealth—Samuel Browne and Thomas Morton—had been lawyers in England. Morton of "Merry Mount" had, it is said, been a "pettifogger at Furnival's Inn." Gov. Bellingham had also been a lawyer, but he was not a popular governor. Winthrop, like his father and grandfather, had been trained in England as a lawyer, but Winthrop rose superior to any prejudice on this

[1] Washburn, *Judicial His. Mass.*, p. 104.

[2] Barry's *History Framingham*, p. 86.

account as he did to all others. Jesus himself had denounced the lawyers. "Woe unto you also ye lawyers; for ye lade men with burdens grievous to be borne and ye yourselves touch not the burdens with one of your fingers." And, though this was said more than sixteen hundred years before, what evidence was there that the lawyers had reformed their wicked ways?

In 1663 a law was enacted by the General Court wherein it was expressly provided "that no person who is an usual and Common Attorney in any Inferior Court shall be admitted to sit as a Deputy in this Court."

When parties had not the ability to prosecute or to defend their suits it was allowable to get some one to represent them, and the "patrons," as the persons chosen were sometimes called, acted as attorneys. Amongst those who so acted in the commonwealth period Prof. Washburn mentions John Coggan, Watson and Checkly, who were merchants, Amos Richardson, a tailor, and Bullivant, a physician and apothecary.

There was, however, *one* lawyer, who made his mark as such in the history of the commonwealth, because, for a period of about four years, as Prof. Washburn happily puts it, "he flourished as the whole profession—the embodied bar of Massachusetts Bay." Thomas Lechford came to Boston in 1637, and tried to make a living by practicing law, but he got into trouble by "going to the jury and pleading with them *out of court*," and he was therefore sentenced by the General Court to be "disbarred from pleading

any mans cause hereafter, unlesse his owne, & admonished not to presume to meddle beyond that hee shall be called to by the Courte." Afterwards we read that "Mr. Thomas Lechford, acknowledging hee had overshot himself & is sorry for it, promissing to attend his calling & not to meddle with controversies, was dismissed." But according to Mr. Scudder,[1] the magistrates made it uncomfortable for him; he was regarded with suspicion and was soon "snuffed out" and left the colony. He returned to England in 1641, and in 1642 he published a pamphlet entitled "Plain Dealing or Newes from New England," in which he had the satisfaction of expressing his opinions of the Massachusetts authorities without fear of fine or "bilboes."

As a matter of course, where there were no trained lawyers, we should not expect to find judges learned in the law. Few of the men who sat in the General Court or in the inferior courts had any legal education; all consulted the ministers on doubtful questions. The Bible rule, if one could be found, was always to be followed. A few of the assistants, as has been stated, had been educated as lawyers. But Prof. Washburn[2] says that "if they made use of their legal acquirements, it was in aid of the great object which they had so much at heart—the establishment of a religious commonwealth in which the laws of Moses were much more regarded as precedents than the decisions of Westminster Hall, or the pages of

[1] *Life in Boston in the Colonial Period*, Mem. His. of Boston, Vol. 1, p. 503.

[2] *Judicial History of Mass.*, p. 50.

the few elementary writers upon the common law which were then cited in the English courts."

Of the seven judges who presided at the witchcraft trials, Palfrey states that "Stoughton and Sewall had been educated for the pulpit; two of their five associates were physicians; one was a merchant; not one was a lawyer."

One of the judges who went upon the bench shortly before the expiration of the commonwealth period, and whose name has come down to us, was Samuel Sewall, afterwards chief justice of Massachusetts. Palfrey speaks of him as a man of "timid conscientiousness," under the sway of Stoughton in the witchcraft trials, but a "much respected" man.

He was a graduate of Harvard, and had been educated for the ministry, but had not received a legal education. Nevertheless, he endeavored afterwards to make up for his lack of legal education, for in his "Letter-Book"[1] we find a letter written by him in 1704 to Mr. Thomas Newton, directing him to buy for him in London "all the statutes at large made since Mr. Keebles edition (Kebles Statutes) 1684. Let them be well Bound in one or two Covers as shall be most convenient. The Register (Registrum de Cancellaria), Crompton (Jurisdiction of divers Courts), Bracton Britton, Fleta, Mirror (Horn's Miroir des Justices); as many of them as you can get in Latin or English; Heaths Pleadings, Sir Edward Cokes Reports."

That he was an upright and conscientious judge, there is no doubt. In a few instances wherein he

[1] *Letters*, Mass. His. Coll., 6th Ser., Vol. 1, p. 310.

had erred, or thought that he had erred, in the discharge of his judicial duties, he was very much grieved when he afterwards became satisfied that injustice had been done. This was so in the case of the widow Bellingham, and notably so in relation to the witchcraft trials, for after he became satisfied that the belief in witches was a miserable delusion he made a public acknowledgment in the church of his sorrow for the part that he had taken in these trials.

When Justice Davenport, in 1719, was going to try Samuel Smith, of Sandwich, for killing his negro, Judge Sewall wrote him a letter containing "these Quotations and my own Sentiments," which were that:

> "The poorest Boys and Girls within this Province, such as are of the lowest condition; whether they be English or Indians or Ethiopians. They have the same Right to Religion and Life, that the Richest Heirs have.
>
> "And they who go about to deprive them of this Right, they attempt the bombarding of Heaven; and the Shells they throw will fall down upon their own heads."[1]

He was an earnest opponent of slavery, and his pamphlet on "The Selling of Joseph" was the beginning of the movement which resulted in the abolition of negro slavery in Massachusetts.

We can, therefore, well afford to overlook some lack of legal learning in a judge of that period who had so many good qualities.

It is not, however, as a jurist that Judge Sewall is best known to those of the present day. He kept a diary. It is difficult to account for that mental

[1] *Letters*, Mass. His. Coll., 6th Ser., Vol. 2, p. 101.

idiosyncrasy which prompts a man to keep a diary of his daily actions and thoughts, and leave it for other people to pry into long after he is dead and gone. It is still more difficult to understand why his descendants should permit such a diary to be published. Nevertheless, we are under lasting obligations to the descendants of Judge Sewall for permitting his diary and also his letters to be published, and to the Massachusetts Historical Society for publishing them. In the three volumes of "Sewall Papers," containing the diary, and the two containing the letters, we have records of great historic value.[1]

In them the judge has given us not only a record of many public events, but also a record of the customs and habits and fashions of the times. More than this, he has given us the minutest details of his own life and has laid bare his innermost thoughts. We see in these volumes the man, just as he was, with all his faults, his motives, his aspirations, and in the pages written after the death of his first wife, and especially in those which record his subsequent courtships, the foibles of an old man. But we see, also, the picture of an honest and thoroughly conscientious man, and, if we smile at or censure some things we find in his character, we must admit that other people might smile at or censure us if we were to give to the world as truthful a record of our own lives and thoughts as Judge Sewall has given of his.

[1] The diary covers a period beginning in 1674 and ending in 1729, and is reprinted in three volumes, entitled *Sewall Papers;* the letters begin in 1685 and end in 1734, and are reprinted in two volumes, entitled *Sewall's Letter-Book.* The diary is contained in volumes 5, 6 and 7 (5th Series), and the letters in volumes 1 and 2 (6th Series) of the Massachusetts Historical Collections.

In view of the almost total lack of lawyers and judges skilled in the learning of the legal profession, it is not surprising that during the whole of the commonwealth period, there was little or no development of the law as a science, or of the character of the judiciary. Some of the consequent evils speedily became manifest. Litigation was cheap and thus encouraged the bringing of many trifling suits.

The suitors usually knew but little law; their attorneys knew but little more, and the judges knew but little more than the attorneys, and so much time was wasted "by reason of the many and tedious discourses and pleadings in Court, both of plaintiff and defendant, as also the readiness of many to prosecute suits in law for small matters," that in order to discourage this, a law was passed in 1656, imposing a penalty of twenty shillings an hour upon every litigant who should plead "by himself or his Attorney for a longer time than *one hour*."

Another evil was that, for want of lawyers properly to present their cases in court, it became customary for suitors to consult the magistrates privately and so get a favorable opinion upon *ex parte* statements made out of court, and this evil grew to such proportions that it was at last prohibited by law, although some of the magistrates themselves made strenuous opposition to the passage of the law.[1]

Besides these and other obvious evil consequences resulting from the absence of lawyers and judges skilled in their profession, there is one that should not be overlooked, especially in estimating the influ-

[1] Winthrop, Vol. 2, p. 36; Mass. Col. Laws, 1660–1672, p. 141.

ence of the clergy in the colonial period, and that is the lack of the conservative influence of the legal profession.

Of late years the influence of the lawyer in politics and in legislation has yielded to that of the professional politician and waned before the glaring splendor of the millionaire. In some periods, particularly in times of great financial distress, opposition has been manifested to lawyers. But as a general rule, from a period long before the Revolution, the lawyers have exercised a great influence in both the national and state governments of this country. And that influence has always been enlisted on the side of conservatism, and generally on the side of the cardinal principles of constitutional government. This is the tendency of a thorough legal education. Palfrey says[1] that "though not seldom biased, and sometimes even corrupted, by power, the instincts of legal science have always been among the main safeguards of the liberties of the English race."

Bryce in his "American Commonwealth" thinks the American lawyers are even more conservative than their English brethren.[2] De Tocqueville[3] pays this high compliment to the lawyers as a class:

"The more we reflect upon all that occurs in the United States the more shall we be persuaded that the lawyers, as a body, form the most powerful, if not the only counterpoise to the democratic element. In that country we perceive how eminently the legal profession is qualified by its pow-

[1] Vol 1, p. 249.
[2] Vol. 2, chapter on "*The Bar.*"
[3] *Democracy in America*, Vol. 1, Chap. 16.

ers, and even by its defects, to neutralize the vices which are inherent in popular government. When the American people is intoxicated by passion, or carried away by the impetuosity of its ideas, it is checked and stopped by the almost invisible influence of its legal counsellors, who secretly oppose their aristocratic propensities to its democratic instincts, their superstitious attachment to what is antique to its love of novelty, their narrow views to its immense designs, and their habitual procrastination to its ardent impatience."

It would have been better for the authorities of the commonwealth if they had heeded the advice of Lechford:

"I feare," he said, "it is not a little degree of pride and dangerous improvidence to slight all former lawes of the Church or State, cases of experience and precedents, to go to hammer out new, according to the Severall exigencies, upon pretence that the Word of God is sufficient to rule us. It is true, it is sufficient, if well understood. But take heede my brethren, despise not learning, nor the worthy Lawyers of either gown, lest you repent too late."

IV

THE PURITANS AND THE INDIANS

Some years before the coming of Winthrop and his companions there had been a great plague, which swept off large numbers of the native population then inhabiting the domain covered by the patent of the Massachusetts Company. But there were still left those who claimed a right to the soil.

Just what kind of right this was it is difficult to define according to any well-settled rule of law or ethics. Nothing bearing the semblance of an organized government existed. The boundaries between the different tribes were unknown or disputed. Only small tracts of land were occupied by the natives. The great body of the territory was occupied only occasionally, and then only while it was being traversed by hunting parties. It is difficult, upon such foundations, to prove that the natives had such a title as justified them in claiming the absolute ownership of a continent.

Still, as shown in the preceding chapter, their right or title, whatever it was, was recognized by a law passed by the General Court in 1652. The same law protected the Indians from unlawful intrusion upon their planting grounds, or fishing places, and prohibited the buying of lands from them, unless the purchases were authorized by license secured from the General Court.

The uncontrollable appetite of the Indians for intoxicating liquor was early manifest, and stringent laws were enacted to prevent the sale of intoxicants to them.[1]

All efforts to induce them to adopt the methods of civilized life were unavailing at that time, as they have been since. Something in their nature made them prefer the freedom of the forest to the restraints and burdens of civilized life.

Earnest efforts were made to convert them to Christianity, but with little success, and the "Praying Indians," as they were called, seem to have been on occasion as zealous as their barbarian brethren in scalping their white neighbors. The Apostle Eliot had labored with such success among the Indians that several towns of "Praying Indians," numbering some 1,200, were established near Framingham, including the Naticks, one of whose chief men was Aponapawquin, commonly known as "Old Jacob." Of him it is narrated that he was "amongst the first that prayed to God," and that "he had so good a memory that he could rehearse the whole catechism, both questions and answers."[2] Nevertheless one of the first acts of barbarity that signalized the breaking out of King Philip's war was the destruction of the house of Thomas Eames, situate within the boundaries of the Framingham Plantation, the murder of his wife and three or four of his children, and the carrying of the rest away into captivity, and one of the participants in this bloody massacre was the pious "Old

[1] Col. Laws, 1660–1672, pp. 161–236.

[2] Barry's *Hist. Framingham*, 17; Mass. Hist. Col., 1st Ser., Vol. 9, p. 198; 5 *Id.* 264.

Jacob." Indeed all that we can learn about the "Praying Indians" seems to corroborate Sheldon's assertion, that in King Philip's war "these pious lambs proved the worst wolves of the whole bloody crew."[1]

It could scarcely be expected that two races, differing so radically in so many ways, could live peaceably for any great length of time in the same land. Nor is it of much importance now to determine what were the precise causes of the bloody conflict which afterward ensued, and to apportion the blame. The conflict was as inevitable and as irrepressible as that between freedom and slavery on this continent.

It was very soon manifest that the Indians looked with unkindly eyes on the increase of their white neighbors, and were plotting their extermination. Trouble soon began with the Pequots, the most powerful of the tribes then inhabiting the territory within the jurisdiction of the Massachusetts Company. Their chief, Sassacus, endeavored to form an alliance with their ancient enemies, the Narragansetts, in order to drive from the land those whom he denominated the foes of all of them, and who would, he argued with savage foresight, unless exterminated, in time exterminate them.

The situation of the colonists was precarious. Only their possession and knowledge of the use of firearms enabled them to hold their own against the vastly superior numbers of the Indians. And even this advantage would have proved unavailing if the Indians had then formed the coalition which Philip

[1] *Hist. Deerfield*, Vol. 1, p. 140.

effected in later years. But the Narragansetts hesitated between the arguments of Sassacus and their hatred of their ancient foes. Roger Williams visited them and added his efforts to induce them to side with the colonists, and at last the Narragansetts entered into an alliance with the latter. Still the Narragansetts were a doubtful quantity. They did not love their white neighbors and they feared the Pequots. A defeat of the colonists, or any wavering on their part at this juncture, would have been fatal. In such a contingency the Narragansetts, if they had not deserted to the side of the Pequots, would have been awed by them into neutrality. It was necessary, therefore, for the colonists to meet the emergency promptly and boldly, and this they did. In 1637 Capt. Stoughton took the field with 160 men from Massachusetts, Capt. Mason commanding the Connecticut forces, who were joined by some 200 of the Narragansetts; but the latter were so terrified by the name of Sassacus that half of them deserted.

The war was short and decisive. Mason and Stoughton boldly attacked the Indians in their strongholds, routed them, and almost annihilated them. Sassacus fled, and it is supposed that he was murdered by the Mohawks or became a member of that tribe. Some of the survivors of the Pequots were sold as slaves in the Bermudas, some were mingled with other Indian tribes, and the identity of the remnant was forever lost.

Much denunciation has been heaped upon the Puritans for what has been termed their cruel slaughter of the Pequots, and Oliver attempts to show how all

the colonial leaders in the Pequot war afterwards suffered from Divine vengeance for the part they took in it.

We all agree that there is not much humanity in war, but it is generally conceded that, when it has actually begun, the speediest way to restore peace is to make the war as destructive to the enemy as possible. No hostile army was ever vanquished, no insurrection was ever suppressed, by firing paper wads.

The alternative presented to the colonists in the Pequot war was whether they should exterminate the Pequots or allow the Pequots to exterminate them, and the colonists chose the former course. What the result would have been if Sassacus had succeeded in his scheme to unite the Indians is confessed by Oliver,[1] apparently with a tinge of disappointment.

"An aboriginal coalition," he says, "first suggested by the Pequot chief, and afterwards carried into such terrible effect by King Philip, at this early period might have resulted in the extermination of the English; and some solitary ship, afterwards touching at Massachusetts Bay, would have beheld the stillness of the wilderness where was expected the busy hum of life, and have carried home the startling news that transatlantic Puritanism had disappeared."

The boldness and promptness of the colonists had a salutary effect upon the rest of the Indians who, as Hutchinson says,[2] were "thereby brought to be more afraid of the English and restrained from open hostilities near forty years together."

[1] *Puritan Commonwealth*, p. 118.

[2] Vol. I, p. 80.

But, though the Indians were not openly so, it was certain that they were hostile, and only awaited a favorable opportunity to begin their savage warfare. There were troubles and imminent danger of war with the Narragansetts and then with the Nyantics. Events were moving steadily along toward a renewal of the irrepressible conflict with the certainty of fate. Treaties had been made and signed by those who, as the Indians claimed, had no authority to make and sign them, ceding away vast tracts of land. The treaties which the Indians admitted to have been properly made and signed they saw interpreted by the white settlers to mean what it is certain the Indians who signed them never intended. Under these treaties jurisdiction was claimed, not only of the territories ceded, but of the Indians inhabiting them. New towns were everywhere being established, new grounds cleared and cultivated, and the whites, at first only a little handful, who were given shelter in the native wilds, were every day growing in number, and were every day exercising authority in a way most galling to Indian pride. The danger to the Indians of ultimate extermination, which Sassacus had predicted, was now plainly obvious to the savage mind and was no longer remote.

On the other hand, the colonists claimed that they had bought of the English government and the English proprietors all the title they had, and that they had bought of the Indians all the title they had; that they had not paid much but that they had paid all the land was worth, and that nearly all its value was that which had been given to it by two generations of

Puritan industry. If their laws imposed severe restraints upon the Indians in their jurisdiction, the colonists claimed that these laws were enforced against the whites as rigorously as they were against the Indians, and that, unless they were so enforced against all alike, law and order could not be maintained. So far as any religious considerations entered into the question they only confirmed the colonists in the righteousness of their cause. They drew their inspiration largely from the Old Testament, and it was not difficult for them to persuade themselves that they were the Lord's chosen people and that the heathen savages were the Amorites who were to be driven out of the land whenever they stood in the way.

To abandon all for which they had labored for over forty years and go back to England was not thought of. If it had been thought of it would have occurred to them that probably they would be as unwelcome to the rulers of England as they were to the savages in America. Indeed the probable dangers of Indian war were far preferable to another period of Star Chamber and High Commission persecution, such as the Puritans had suffered in England.

The Indians were now far better prepared to fight for what they conceived to be their rights than they were in the time of the Pequot war. Though their numbers had not largely increased, they still far outnumbered the whites. In the years that had elapsed since the Pequot war, many of the Indians had acquired firearms and had learned how to use them, and

were far better able to cope with the whites in war than they were in the time of Sassacus.

Meantime a leader had appeared. King Philip, at least, has left a name in the history of New England that never will be forgotten, although he has had no historian like the one who has given us the fascinating story of Pontiac. Indeed the historians of Massachusetts have done scant justice to King Philip's courage, energy and sagacity. They tell us that he was never recognized by the Indians as a leader, nor allowed to exercise any authority over them; that he was not inspired by anything like patriotic devotion to his race; that, though he incited others to battle, it is not certainly known that he himself ever took part in any; and that he was utterly destitute of all noble or heroic qualities that might be implied from the name which the colonists themselves had given him.

"The title of king," says Palfrey, "which it has been customary to attach to his name, disguises and transfigures to the view the form of a squalid savage, whose palace was a sty, whose royal robe was a bear skin or a coarse blanket, alive with vermin; who hardly knew the luxury of an ablution; who was often glad to appease appetite with food such as men who are not starving loathe; and whose nature possessed just the capacity for reflection and the degree of refinement which might be expected to be developed from the mental constitution of his race by such a condition and such habits of life."[1]

Sheldon agrees substantially with Palfrey in the

[1] Vol. 3, p. 223.

latter's estimate of Philip, but finds in Canonchet the missing Indian hero who, according to Palfrey's way of thinking, never existed except in the Leather Stocking novels. "Thus fell a man," he says, commenting on his death, "who should be ranked first of all New England Indians in the qualities which go to make up a patriot, nobleman, and warrior."[1] And Mr. Fiske goes further and throws out a suggestion, that Canonchet, and not Philip, was the real master spirit of the war which bears the latter's name.[2]

Great deference is justly due to these eminent historians, but it is not easy to accept their estimate of Philip. That he was, like most of his race, vain, proud, cruel, and treacherous, it is easy to believe. It is not so easy, with all the evidence we have, to believe that he was so insignificant a figure in the bloody conflict which he precipitated, as we might be led to infer from the statements of the Massachusetts historians.

There must have been some powerful master spirit to unite in so extensive a coalition tribes widely separated and between some of whom there had before existed bitter and long-standing feuds. To have accomplished this must have required the presenting of arguments skillfully devised to reach the wary and suspicious minds of the savages to whom they were addressed. And to do this must have required incessant journeys over long distances and through vast wildernesses. A still more difficult task was to provide those who were expected to take part in the

[1] *Hist. Deerfield*, Vol. 1, p. 146.

[2] *Beginnings of New Eng.*, p. 222, note 1.

conflict with arms and ammunition. An equally difficult task was to carry on all these preparations and at the same time to conceal them from the colonists.

Unquestionably this master spirit was Philip. That was the judgment of those who were living at the time. They called the war by his name. They rejoiced more over his death than they did over the death of all other Indian chiefs. And for many years afterwards it was the name of the chief of Pokonoket which inspired the most terror in the stories, that were told to the children gathered around the firesides, of the horrid butcheries which their fathers witnessed or in which they had fallen.

Philip was a son of Massasoit, chief sachem of the Wampanoags, who had been the friend and ally of the Plymouth colonists. After the death of his father and elder brother, Philip became chief of the tribe. His headquarters were at Mount Hope, near the present site of Bristol in Rhode Island. The tribe was a small one, numbering but a few hundred warriors. If he had been the great chieftain of a powerful tribe, like the Narragansetts, it would be easy to account for his influence, but that the petty sachem of so insignificant a handful of followers could have exercised the influence, which he undoubtedly did, over tribes far more numerous and more powerful, demonstrates that Philip's abilities were of a far higher order than he has been credited with possessing by some of the Massachusetts historians.

There is little doubt that, from the time of his accession to the chieftaincy of his tribe, Philip was engaged in plotting a general confederation of all the

Indians, far and near, for the purpose of exterminating the colonists. He pursued his object with untiring energy; now traversing the wilderness and winning over one tribe after another; now holding meetings with the colonists and assuring them of his peaceful intentions and the sincerity of his professed friendship; but all the time steadily and stealthily perfecting the plot which was the object of his life and of which he never lost sight.

But, however and by whomsoever the coalition was planned, there is no doubt that it was by far the most extensive and powerful that had so far been organized. By the end of 1674 one tribe after another had been brought into the confederation, and most of the "Praying Indians" had been seduced from their allegiance to the colonists.

It is needless to enter into any minute examination of the immediate causes which led to the final outbreak. In the nature of things it was inevitable, sooner or later, and was certain to be precipitated, if not by one thing, then by something else. Matters had now come to such a pass that the contest between the savage and the Anglo-Saxon in New England could no longer be avoided or postponed.

It was the intention of Philip to have everything in readiness for a simultaneous uprising and beginning of hostilities by the spring of 1676. The discovery of his scheme, and the danger that he himself might be apprehended and executed, brought on the conflict sooner than had been intended, and in 1675 all disguise was thrown off and the bloody war was begun by the slaughter of some of the settlers at

Swanzey on June 24, 1675, and almost instantaneously all of the frontier towns were in flames, settlements were broken up, houses and barns were burned, families were murdered, and everywhere the work of death and destruction was inaugurated and carried on with a savage boldness and ferocity that for a time seemed to be irresistible.

In a short time the Indians had annihilated several of the frontier towns and partly destroyed many more, had murdered and taken captive many of the inhabitants, and at one time had advanced within eighteen miles of Boston. This was by far the most critical period in the history of the commonwealth. But the colonists met the savage onset promptly, and with that undaunted Puritan courage in the record of which there is no break from Marston Moor to Bunker Hill. They at once took the field, faced their savage foes, and attacked them in their strongholds. As the war progressed it assumed a sanguinary character never equaled before or since on this continent. No quarter was given or expected. Sometimes the colonists were overpowered by overwhelming numbers, as was Lothrop at Bloody Brook and Wadsworth at Sudbury, and then they fought until all, or nearly all, fell dead in their tracks. When the savages refrained from tomahawking a captive on the spot, it was usually because they reserved him, with fiendish malice, for a more dreadful fate. They were not content even with burning the victims at the stake, but tortured them as they were being roasted in every way that the diabolical ingenuity of a savage mind could invent.

It is not surprising that, the colonists, who usually sought in the Bible inspiration for all their conduct, became animated before the close of the war by feelings not so divine as those inculcated by Holy Writ. Some allowance must be made for the frenzy of men to whom the recollection was yet fresh of burning homes, and in whose ears were yet ringing the shrieks of murdered wives and babes.

King Philip's war proves, more clearly than any other in the history of this country, how war can so arouse the devilish passions of men as almost to obliterate the line of demarkation between barbarism and civilization. It is true that the colonists did not roast their captives at the stake, as did their Indian foes; but they sent some of them to far-off lands to languish and die in slavery. This was the horrible punishment inflicted even upon Philip's little son who was sold as a slave in Bermuda. For this barbarous and inhuman act no reputable Massachusetts historian has ventured even an apology, although, as Palfrey suggests, "some of the ministers considered the case to be analogous to that of Hadad, the Edomite, in the first book of Kings 11, 14." After Canonchet had been executed, his head was cut off and sent to Hartford. After Philip was slain his body was quartered, his head was severed and paraded at Plymouth on a day appointed for public thanksgiving. We are shocked by the diabolical ferocity of the women in the time of the French revolution, but it must be recorded that some of the gentle Puritan dames were likewise wrought up into a frenzy which made them little less

ferocious than the women of France. The women of Marblehead, as they came out of meeting one Sunday, rushed upon two Indian prisoners, who had just been captured, and murdered them on the spot.

The hostility of the Narragansetts, though suspected before, was not fully disclosed until October, 1675. It was now obvious to the colonists that there was imminent danger of a general uprising of the Indians and that all would be lost unless a decisive blow could be struck before the following spring. It was determined to attack the Narragansetts in their stronghold, where their chief, Canonchet, had gathered together some 2,000 armed warriors in a strong fort situated in a swamp. The fort was surrounded by palisades, and the only apparent access to it was over a log then slippery with snow. In the dead of winter the expedition set out under the command of Gov. Winslow, of Plymouth. It numbered a little less than 1,000 men made up of troops from Massachusetts, Plymouth and Connecticut. Marching through the snow the little army reached the fort on Sunday, the 19th of December, and immediately stormed the Indian stronghold. Six of the captains were shot in the beginning of the assault, but the colonial troops pressed forward, and climbed upon each other's shoulders in order to scale the palisades. Once they gained an entrance and were repulsed. Again they rushed forward and reached the inside of the works at the same time that some of their comrades had effected an entrance through a weak spot in the rear. Then began a bloody hand to hand fight that lasted for hours. The

colonial soldiers fought with the fierce and desperate English courage, which, on other and larger fields, has made the stories of Agincourt and Waterloo and Balaklava more wonderful than even the poetic fables of the siege of Troy. Until the sun went down on that December day they smote their savage foes. When night came on the shadows fell upon a dreadful sight. Of Winslow's men, one-fourth had been killed or wounded. The dead Narragansetts lay piled in heaps. Nearly 1,000 of them had been slain. Of the survivors, Canonchet, with some of his followers, escaped, and the rest were taken prisoners.

This was the turning point in the war, though it was not the end of it. Philip appeared again in the following spring and hostilities were resumed. There were more massacres and devastations, but it would not be possible in a short chapter to recount the stories so often told of the horrors of this dreadful war. It lasted but little over a year. Before its close, Canonchet was captured and executed and Philip was slain. The colonists were victorious, but their victory had been dearly bought. The public funds had been exhausted and enormous public debts had been incurred in carrying on the war. Ruin was on every hand. Many towns had been entirely destroyed. Everywhere houses and barns had been burned, fields laid waste, cattle killed or driven off, and, what was far more distressing, nearly every family mourned the loss of some one who had been slain or carried away into captivity. Mr. Hudson[1]

[1] *Hist. Marlborough*, p. 80.

has thus concisely summed up the dreadful results of the war:

"The horrors and devastation of Philip's war have no parallel in our history. The Revolution was a struggle for freedom; the contest with Philip was for existence. The war lasted only about fourteen months; and yet the towns of Brookfield, Lancaster, Marlborough, Medfield, Sudbury, Groton, Deerfield, Hatfield, Hadley, Northfield, Springfield, Weymouth, Chelmsford, Andover, Scituate, Bridgewater, Plymouth, and several other places, were wholly or partially destroyed, and many of the inhabitants were massacred or carried into captivity. During this short period six hundred of our brave men, the flower and strength of the colony, had fallen, and six hundred dwelling-houses were consumed. Every eleventh family was homeless, and every eleventh soldier had sunk to his grave."

In an address before the Massachusetts Historical Society,[1] Dr. Palfrey, speaking of King Philip's war, says:

"Before it is finished, there is scarcely a family in Massachusetts or Plymouth but has lost a father, brother or son. Plymouth has incurred a debt estimated to be equal to the whole personal property of its people. The sacrifice of life and property in Massachusetts, between June, 1675, and October, 1676, is greater, in proportion to her population and wealth, than that afterwards sustained by her in the whole eight years' war of Independence. She met the exhausting demand almost wholly from her own resources."

To the Indians the war was even more disastrous than it was to the colonists. No accurate estimate

[1] Mass. His. Coll., 3d Ser., Vol. 9, p. 181.

can be made of the number slain in battle, but the number far exceeded the number of the colonists who so perished. Many of the captives were executed; many more were sold into slavery. Their villages were burned and their planting grounds destroyed, and they were left almost totally destitute. The once powerful Narragansett tribe had been practically annihilated. Those who had not been killed or sold as slaves amalgamated with other tribes and the tribe lost its name and its identity.

At the close of the war it is certain that our Puritan ancestors indulged in no sentimental ideas of the "noble red man." To them he had become a frightful reality, a treacherous and unpitying foe, whose painted face and appalling whoop struck terror to the strongest heart. He came with stealthy tread and butchered with relentless fury. None knew when the fierce savage, with horrid face and dreadful yell, brandishing tomahawk and scalping knife, might rush upon the man driving his plow in the field, or fall upon his helpless wife and children in his home.

But there were no more Indian wars during the existence of the commonwealth. In that region the dominion of the white man over the red man had been established forever.

V

DOMESTIC AND SOCIAL LIFE

Large Families.—The domestic circle in the time of the old Puritans was usually a very large one. The stories of the numbers of some of them are amazing. It is difficult to comprehend how they were all taken care of, but they were taken care of, and most of them grew up to be strong, healthy and useful members of the community. The author of the "Magnalia" tells many wonderful stories, but we have no reason to doubt what he says about the size of the old Puritan families. He gives one instance of a woman who bore twenty-two children, and of another who bore twenty-three, of whom nineteen lived to adult years. The mother of Gov. William Phips, he tells us, had twenty-one sons and five daughters. The Rev. John Sherman, of Watertown, had six children by his first wife and twenty by his second. It is doubtful if the women, even of that day, would have expressed such pious gratitude as did Cotton Mather when he said, "Behold, thus was our Sherman, that eminent fearer of the Lord, blessed of Him."[1]

Dwelling-Houses.—The most of the dwelling-houses in the beginning were very small structures,

[1] *Magnalia*, Vol. 1, p. 517.

built of logs, the "chinks" or spaces between the logs being filled with clay, the roofs being thatched with coarse grass or covered with cloboards, and the floors being made of split logs or puncheons. Generally the house consisted of two rooms, a living room and a kitchen, with sleeping places in the garret reached by a ladder. Sheldon[1] says that "a common form was eighteen feet square, with seven feet stud, stone fireplaces, with catted chimney and a hip-roof covered with thatch." The pictures of them show houses very similar to those so common in the early settlements in the west.[2]

They were heated by fireplaces. Stoves did not come into general use until long afterwards. They were lighted[3] at first with pieces of pitch-pine or candle-wood. Wax candles were a luxury, and so were tallow candles until cattle and sheep became plentiful. Sperm oil was not used until whale fishing was established, which was not until 1690, and it was not until 1774 that Boston took steps to light the streets.

As soon as saw-mills and the manufacture of brick were introduced, which was at an early date, the log houses in the towns gave way to larger and better structures of a variety of styles. When glass began to be used in the windows, the panes were small, diamond-shaped pieces. Before that oiled paper was used instead of glass.

In all the houses, the kitchen was a prominent

[1] *History of Deerfield*, Vol. 1, p. 276.

[2] Palfrey, Vol. 2, p. 63; *Dorchester in the Colonial Period*, by Rev. Samuel F. Barrows; 1 Mem. Hist. of Boston, p. 423.

[3] *Candle-light in Colonial Times*, 1 N. Eng. Mag., p. 516.

feature. In one end was a great fireplace. In this swung the crane, with its pothooks, leaving ample room beneath for the skillets and frying pans. From the ceiling hung ears of corn and pieces of cured meat. In the winter around this fireplace, with its huge backlog and roaring flames, gathered the family; and when we remember that the "family" often comprised ten or more children, we can readily imagine that the gathering was not a small one.

The furniture of these dwellings was usually as plain as the dwellings themselves—some home-made tables, benches or stools, plain bedsteads and ticks filled with straw or pine needles. If there was anything more costly, it was some piece of furniture or plate brought from England. In the "catalogue of such needful things as every planter doth or ought to provide to go to New England," Francis Higginson[1] in 1630 enumerated the following: "Household Implements, viz.: 1 iron pot; 1 kettle; 1 frying pan; 1 gridiron; 2 skillets; 1 spit; wooden platters; dishes; spoons; trenchers."

Extravagance in the building and furnishing of houses was not more favored by the early Puritans than was extravagance in dress. In 1632 Winthrop reproved his deputy "that he did not well to bestow too much cost about wainscotting and adorning his house in the beginning of a plantation, both in regard of the public charges and for example." But, long before the close of the commonwealth, the advice of Winthrop lost its force and houses of a far more pretentious character began to appear, especially

[1] *New England's Plantation.*

in Boston, and even the pious Judge Sewall was writing to London for finer furniture than he could get in America.

The inventories of estates found in the early probate records show that, long before the close of the commonwealth period, the houses of some of the wealthy inhabitants of Boston were furnished very richly, and specimens of some finely carved furniture, beautiful plate, and other costly interior ornaments, are still preserved in antiquarian museums and as heirlooms in private families. But the great majority of the houses and their furnishings, even in Boston, were plain and simple.

Apparel.—In Higginson's catalogue of "needful things," before mentioned, he enumerates the following articles of apparel, viz: "1 Monmouth Cap; 3 falling bands; 3 shirts; 1 waistcoat; 1 suit of canvass; 1 suit of frieze; 1 suit of cloth; 3 pair of stockings; 4 pair of shoes." Mr. Scudder[1] gives an elaborate description of the kind and material of clothing worn in the time of the commonwealth, but confesses that he is obliged to "retreat" when it comes to discussing the "varying forms and styles of woman's dress." However, the reader whose curiosity is not entirely satisfied will find this interesting subject fully discussed in more recent volumes by a very gifted and graceful writer.[2] In a country so new, occupied by so poor a people, we should not expect much extravagance in dress, but it seems that this was early a source

[1] *Life in Boston in the Colonial Period;* 1 Mem. Hist. Boston, p. 487.

[2] Alice Morse Earle's *Costumes of Colonial Times; Customs and Fashions in Old New England;* Chapter on "*Raiment and Vesture.*"

of grief to our forefathers, for in 1634 the General Court ordered "that noe person, either man or woman, shall hereafter make or buy any apparell, ether wollen, silke or lynnen, with any lace on it, silver, gold or threed, under penalty of forfeiture of such cloathes," and also prohibited making or buying "any slashed cloathes, other than one slashe in each sleeve and another in the back"; also "all cutt-works, imbroidered or needle worke capps, bands & vayles"; also "all golde or silver girdles, hattbands, belts, ruffs, beaver hatts"; but permission was generously given the people to wear out their old clothes, "except the immoderate greate sleeves, slashed apparel, immoderate greate vayles, long wings."[1]

In 1639, the General Court made another order prohibiting the wearing upon garments "any manner of lace," and in the same order it was provided "that hereafter no garment shall be made with short sleeves, whereby the nakedness of the arme may be discovered in the wearing thereof & such as have garments already made with short sleeves shall not hereafter were the same, unless they cover their armes to the wrist with linen or otherwise. And that hereafter no person whatsoever shall make any garment for woemen, or any of ther sex, with sleeves more than halfe an elle wide in the widest place thereof & so proportionable for biger or smaller persons."[2]

In 1651 a law was passed[3] with a very long recital against "excess in Aparel," and, in order to compel

[1] Mass. Rec., Vol. 1, p. 126.
[2] Mass. Rec., Vol. 1, p. 274.
[3] Col. Laws, 1672–1686, p. 5.

"the sober and moderate use of those blessings which, beyond expectation the Lord hath been pleased to afford unto us in this wilderness," proceeds to denounce penalties against gold or silver lace or buttons, or "bone lace above two shillings per yard," "the wearing of ribbonds or great Boots (leather being so scarce a commodity in this country) Lace points &c. Silk Hoods or Scarfs"; and the selectmen of every town were required to "take notice of Apparel of any of the Inhabitants of their severall Towns respectively." But "excess in apparel" continuing, "whereby the Rising Generation are in danger to be Corrupted and Effeminated," another law was passed in 1662 which also forbade the "Taylors" from making or fashioning any garment for children or servants "contrary to the mind and order of their Parents or Governors," and in 1675 "the evil pride in Apparel" continuing and "new strange Fashions" appearing "both in poor and rich, with naked Breasts and Arms, or, as it were, pinnioned with the Addition of Superflous Ribbons, both on Hair and Apparel," another law was passed directing that if the grand jurors failed to find indictments against the guilty persons, the county courts should impose a fine upon them at their discretion.[1]

The Rev. Nathaniel Ward also preached a furious sermon against ungodliness in female attire and confessed that he found himself wrought up into a frenzy when he heard "a nugiferous Gentledame inquire what dress the Queen is in this week; what the med-

[1] Col. Laws, 1672-1686, p. 233.

instertian fashion of the Court," and thereupon "the simple cobbler of Agawam" proceeded to denounce her as "the very gizzard of a trifle, the product of a quarter of a cipher, the epitome of nothing, fitter to be kicked, if she were a kickable substance, than either honored or humored." He added, we are glad to learn, that there were only "about five or six of them in our colony." If there had been but one, possibly she might have been squelched, as the Billingsgate fishwoman was by Sydney Smith by simply calling her "an isosceles triangle."

The question whether women should appear veiled or not at public assemblages, got into the churches. Roger Williams, then the minister at Salem, thought they ought to wear veils, and, of course, he had plenty of scripture to prove it. It happened that John Cotton took the opposite view, and, of course, he had plenty of scripture, as he always had, to sustain his contention. An abridgment of the great debate between these two eminent divines on this interesting question is given us by the historian Hubbard, who says that among the "many strange notions" taught by Williams was:

"As first that it was the duty of all the female sex to cover themselves with veils when they went abroad, especially when they appeared in the public assemblies; as if he meant to read them a lecture out of Tertulian, De Velandis Virginibus, &c., for the uncouthness of the sight to see all the women in the congregation veiled, contrary to the custom of the English nation, would probably have drawn the eyes of the rest upon them, especially strangers, much more than if they had attired themselves after the

fashion of their neighbors. But in reference to this kind of fancy, it is observable, that the reverend Mr. Cotton, taking an occasion about this time to spend a Lord's day at Salem, in his exercise in the forenoon he, by his doctrine, so enlightened most of the women in the place that it unveiled them, so as they appeared in the afternoon without their veils, being convinced that they need not put on veils on any such account as the use of that covering is mentioned in the scripture for, viz., not as they were virgins, which the married sort could not pretend unto; much less as harlots as Tamar; nor yet on any such like account as is mentioned of Ruth in her widowhood, which discourse let in so much light into their understandings that they, who before thought it a shame to be seen in the public without a veil, were ashamed ever after to be covered with them."[1]

It seems that Cotton's arguments suited either the tastes or the consciences of the ladies better than did those of Williams, for after that the women wore veils only when it suited them to do so.

Dr. Higginson tells us[2] that "in 1652 three men and a woman were fined ten shillings each and costs for wearing silver lace; another for broad bone lace, another for tiffany, and another for a silk hood," and that Jonas Fairbanks about the same time was "charged with great-boots and the evidence went hard against him, but he was fortunately acquitted and the credit of the family saved." So late as 1676 thirty-eight women were arraigned in Northampton for their "wicked apparell." But not long after similar prosecutions were quashed. Our foremothers

[1] Mass. Hist. Coll., 2d Ser., Vol. 5, pp. 204–5.
[2] *The Puritan Minister*, 12 Atl. Monthly, 276.

had triumphed over the magistrates and the latter gave up the contest.

"Longe haire" on men was denounced by the General Court as early as 1634, but the fashion among men of wearing long hair "after the manner of Russians and barbarous Indians" having "begun to invade New England, contrary to the rule of God's words which says it is a shame for a man to wear long hair," Gov. Endicott and the magistrates united in a solemn protest in which they declared their "dislike and detestation against the wearing of such long hair as against a thing uncivil and unmannerly, whereby men doe deforme themselves, and offend sober and modest men, and doe corrupt good manners."[1] The fashion continued to such an alarming extent that divers inhabitants of Roxbury were moved to present to the General Court in 1672 a petition remonstrating against the evil example set before the people at Harvard College, chiefly because the youth there "are brought up in such pride as doth no ways become such as are brought up for the holy service of the Lord, either in the magistracy or ministry especialy, *and in particular in their long haire*, which last first tooke head and brake out at the colledg, so far as we understand and remember, and now it has got into our pulpets to the great greife and fear of many Godly hearts in the Country."[2] But this "provoking evil" still continued so to contaminate the morals of the community that in 1675 it was found necessary to pass a law making it

[1] Hutchinson, Vol. 1, pp. 142–3.

[2] N. E. Hist. & Gen. Reg., Vol. 35, pp. 121–2.

a penal offense for men to wear "long hair like women's hair."[1]

Food and Drink.[2]—Of fish there was great plenty and so there was of wild game and fowl. Out of the Indian corn, the colonists learned from the Indians how to make many palatable dishes. Before it was quite matured it furnished roasting ears and "sukquttahhash." When matured it was made into hominy and the meal from it was used in making mush, johnny-cake or journey-cake, hoe-cake and ash-cakes, and a variety of other kinds of of food. Wheat did not thrive well and was little used for food in early times. But pumpkins, or "pompions" as they were called in those days, grew abundantly, and out of these delicious pies and many other dishes were made. Squashes grew in equal abundance. Beans, peas, and other garden vegetables also thrived and helped to furnish the Puritan tables. It was not long until the colonists had beef and mutton, and, as soon as they could grow them, apples, cherries and other small fruits came on to reinforce the table supplies. We read of Thanksgiving dinners long before the close of the commonwealth which were the precursors of those for which New England afterwards became so celebrated, and which leave no room for doubt that the old Puritans could enjoy a good dinner as well as a good sermon.

There was plenty of good water. Francis Higginson wrote in 1629 that the country was full of

[1] Col. Laws 1672–1686, p. 233.

[2] Alice Morse Earle's *Customs and Fashions in Old New England;* chapters on "*Supplies of the Larder*" and "*Old Colonial Drinks and Drinkers.*"

"dainty springs," and that "we may dig wells and find water where we list." Nevertheless the Puritans who came from England did not take kindly to New England water as a drink, and they soon began to make ale and beer, and ale-houses sprang up on every hand. As soon as apples became plentiful, cider became plentiful also, and it seems that the harder it was, the more it was liked as a beverage. It was also distilled into cider-brandy or apple-jack. After a few years wine began to be imported, and all classes drank wine when they could get it. Later rum and whisky were also made and drunk. But laws against excessive drinking of intoxicating liquors were speedily enacted and rigidly enforced. In 1639 the General Court enacted a law making the drinking to one another a penal offense, and other laws against excessive drinking of intoxicating liquors were afterwards passed. Such entries as these were common: "James Brown is censured for drunkeness to bee set two hours in the bilboes upon market day at Boston publiquely." Nevertheless, intemperance continued to increase until it became a very prevalent and crying evil.

Tea was a rarity, if not unknown, during the commonwealth period, and we do not hear of coffee until about 1670.

Tobacco.—A vigorous and persistent war was waged against the use of tobacco. In 1632, the General Court forbade the taking of any tobacco "publiquely." In 1634 it was further ordered that no person should take tobacco, either "publiquely or privately in his owne howse, or in the howse of

another, before strangers & that two or more shall not take it togeather anywhere." A short time afterwards the purchase and sale of tobacco was expressly prohibited.[1] In 1637, the law against buying and selling tobacco was repealed, but other laws were subsequently enacted to discourage its use, all of which seem to have been unavailing.

Inns or Ordinaries.—Inns early became a prominent feature of the social life of the commonwealth. They were not only indispensable to the traveler, but they became centers for the dissemination of local and foreign news. Indeed, as there were no newspapers and no mails, information as to what was going on in the outside world was gained chiefly from the innkeeper, who drew his supplies from his guests. The landlord himself was usually a prominent man in the community and frequently held an office of some sort.

But the inns must soon have become places of resort for those inclined to greater conviviality than suited the ancient Puritans, for we find that the General Court early began to exercise a strict surveillance over all such places. At an early period innkeepers were required to procure licenses. Every innkeeper was required to be "always provided of strong, wholesome Beer, of four bushels of Mault (at the least) to a hogshead, which he shall not sell at above twopence the Ale quart"; but innkeepers were expressly forbidden to sell sack or strong water, or to allow any drunken person on their premises, or to suffer any person "to drink excessively, viz., above halfe a pint

[1] Mass. Rec., Vol. 1, pp. 101, 126, 136.

of wine for one person, at a time, or to continue Tipling above the space of halfe an hour, or at unseasonable times, or after nine of the Clock at night." Nor were they to allow any tobacco smoking "except in a private room."[1] Gaming and dancing in inns were expressly forbidden. Finally, in 1664, "This Court being sensible of the great encrease of Prophaness amongst us, especially in the younger sort, taking their opportunity by meeting together in places of publick entertainment, to corrupt one another by their uncivil and wanton carriages, rudely singing and making a noise," all such "prophaness" was made a finable offense, and, if the innkeeper did not prosecute the revellers, his license was forfeited.[2] Mr. Hudson[3] has given us, as a sample of the strict conditions imposed upon the keepers of public houses, the material portions of the bond required by the public authorities of Col. Thomas Howe, who kept the public inn at Marlborough in 1696. It provided:

"That he shall not suffer or have any playing at cards, dice, tally bowls, nine pins, billiards, or any other unlawful game or games in his said house, or yard, or gardens, or backside, nor shall suffer to remain in his house any person or persons, not being his own family, on Saturday night after dark, or on the Sabbath days, or during the time of God's Public Worship; nor shall he entertain as lodgers in his house any strangers, men or women, above the space of forty-eight hours, but such whose names and surnames, he shall deliver to some one of the selectmen or constable of the town, unless they shall be such as he very well knoweth,

[1] Col. Laws 1660–1672, pp. 163, 164.
[2] Col. Laws 1660–1672, p. 228–9.
[3] *His. Marlborough*, p. 382.

and will ensure for his or their forth coming—nor shall sell any wine to the Indians, or negroes, nor suffer any children or servant, or other person to remain in his house, tippling or drinking after nine o'clock in the night—nor shall buy or take to preserve any stolen goods, nor willingly or knowingly harbor in his house, barn, stable, or otherwhere, any rogues, vagabonds, thieves, sturdy beggars, masterless men or women, or other notorious offenders whatsoever—nor shall any person or persons whatsoever, sell or utter any wine, beer, ale, cider, rum, brandy or other liquors, by defaulting, or by color of his license—nor shall entertain any person or persons to whom he shall be prohibited by law, or by any one of the magistrates of the County, as persons of jolly conversation or given to tippling."

But notwithstanding the severity of the laws, the inns were popular places of resort, and there is reason to believe that the landlords, when the constables and tithing-men were not about, did not always allow their zeal for the enforcement of the laws to lose them the custom of those who sought their inns for a little social recreation and momentarily casting aside some of the rigid restraints with which their daily life was hedged about. Indeed some of the inns, like the Blue Anchor at Boston, and the Greyhound at Roxbury, became famous, and their landlords were known far and wide for their genial disposition and generous hospitality. Dunton, the bookseller, who visited Boston in 1686, said of George Monck, the landlord, that it was "almost impossible not to be cheerful in his company." In a letter written February 29, 1692, by Joseph Noyes, one of the selectmen of Sudbury to the Middlesex county court, recommending Samuel Howe as the

most suitable person to have a license to entertain travelers, he says: "It is in the minds of most of us that there should be none to retale drink amongst us, by reason of the growing of the sin of drunkenness amongst us. Oure fathers came into this wilderness to enjoy the Gospel and his ordinances in its purity and the convertion of the hethen, but insted of converting them, amongst other sins, we have taught them to be drunckerds"; and he says further that in his opinion inns should be for entertainment of travelers "and not Town drunckards."[1]

Roads and Travel.—Travel and commerce with other colonies, and also internal commerce, were chiefly by water. Until roads and bridges were made, land travel was over the trails or paths which had been used by the Indians and was chiefly on foot until horses became plentiful. The earliest of the great roads was the Old Plymouth or Coast Road, connecting Boston and Plymouth. In early times no person was allowed to travel over it single "nor without some arms, though two or three together."[2] The old "Connecticut Path" ran from Cambridge through Sudbury, Marlborough and other frontier towns and finally to Albany in New York. There were also the "Bay Path" and other famous roads. As towns could afford the expense, roads and bridges and ferries were established within their limits. Long journeys over these roads were chiefly on horseback, the women usually being seated on a pillion, and the traveler depended for his provisions upon the supplies which he carried or those furnished at the

[1] N. E. Hist. & Gen. Reg., Vol. 4, p. 64.
[2] Mass. Rec., Vol. 1, p. 85.

inns along the way. The vehicles first used were two-wheeled carts. Stage-coaches did not come into use during the commonwealth period.

Public Days, Holidays, etc.—Christmas day, as it is known now, the day on which all the world should be glad, the sweet day that Dickens has painted in the "Christmas Carol," was unknown to our forefathers. At an early date a law was passed for preventing disorders arising from "observing such feastivals as were superstitiously kept in other Countryes to the Great dishonour of God and offence of others," and it was therefore made a finable offense to observe "any such day as Christmas or the like, either by forbearing labour, feasting, or any other way."[1] This law was not repealed until the year 1681. Of course May days and other old and time-honored English holidays fell under the ban of the same law.

But there were various public days. Some of them were of a religious character. There were Fast days, and Thanksgiving days, and Lecture days. The observances on Fast and Thanksgiving days are too well known to need special mention.

The Thursday lecture afforded an opportunity of social meetings, of which advantage was eagerly taken, and people often went from one town to another to attend the exercises; so much so that at a later period it became necessary to put some restraints upon this custom, for in 1675 a law was passed reciting that: "Whereas there is a loose and sinful Customes of Going or Riding from Town to Town, and

[1] Colonial Laws, 1660–1672, p. 153.

that oft times Men and Women together, upon pretence of going to Lectures, but it appears to be meerly to Drink and Revil in Ordinaries and Taverns, which is in it self Scandalous, and it is to be feared a notable means to debauch our Youth, and hazard the Chastity of such as are drawn forth thereunto," and providing that all single persons so conducting themselves should be "reputed and accounted Riotous and Unsober persons, and of ill Behaviour" and should be punished accordingly.[1]

There were some public days not of a religious character. Of these the chief was election day. But the training or muster day was the day on which, more than any other, there seems to have been most freedom from the religious restraints of the times.

Amusements, Games, etc.—The austere and somber character of their religion tended to make our ancestors look unkindly at anything like frivolity. Moreover there was not then much time for play. Consequently we find all kinds of games discountenanced by the old laws. Among the first laws passed was one enacted in 1631, prohibiting cards and dice, and a law was subsequently passed imposing a fine for bringing them into the country or for being found in possession of them. Dancing in houses of common entertainment was also prohibited, and indeed dancing in any place was not favored. In 1638, Lawrence Waters and his wife and others were by the General Court solemnly "admonished to avoyde dancing."

Theatrical entertainments were not thought of

[1] Mass. Col. Laws 1672–1686, p. 236.

during the commonwealth period, and it was a long time afterwards before they were countenanced, the first in Boston being in 1750. Even singing schools did not come into fashion until 1720.

But we shall err if we suppose that the Puritan laws, or any other, could totally repress, especially among young people, occasional relaxations from religious restraint. The men found diversion in hunting parties for exterminating wolves and bears, in house raisings, and in the excitement of elections and muster days. The women, doubtless, had their quilting parties and other opportunities of meeting and discussing the latest fashions and exchanging the little gossip of the neighborhood. And the young men and women must have got sight of each other at the apple bees and corn-huskings; and when, at the latter, the lucky young man found a red ear, it is to be presumed that he exercised his undoubted right, established by the unwritten law, existing "from time whereof the memory of man runneth not to the contrary," of kissing the girl of his choice.

Courtship and Marriage.—The opportunities for courtship would seem to have been limited. Still there were opportunities. We can easily imagine that even at church, when the preacher was going on and on in seemingly endless discourse, and the hour-glass was being turned and turned again, there were eyes that "looked love to eyes which spake again." At any rate the early Puritans believed in marrying. They married young and did not spend much time in mourning for a lost mate, but got another as soon as practicable. Every encouragement to marriage

was given by the laws. Still the young man had to be careful that he did not persist in getting his sweetheart's affections without the consent of her parents. If he did he was liable to be fined, for courting a "mayd" without the consent of her parents was expressly forbidden. But, in favor of the children and "mayds," it was provided that "If any person shall wilfully and unreasonably deny any child, timely or convenient marriage, or shall exercise any unatural severity toward them, such children shall have liberty to complaine to Authority for redress in such cases."[1]

The law required that notice of the intention of the parties to be married should be published or posted in the town where they resided, or, if they resided in different towns, then in both. The marriage ceremony was performed, not by a minister, but by a civil magistrate, and the preaching of sermons on such occasions was allowed with great caution because, says Winthrop[2], "We were not willing to bring in the English custom of ministers performing the solemnity of marriage, which sermons at such times might induce, but if any ministers were present and would bestow a word of exhortation, etc., it was permitted." Marriage rings were not allowed, the old Puritans, according to Morton,[3] believing "that it is a relique of popery to make use of a ring in marriage, and that it is a diabolicall circle for the Devil to daunce in."

It is to be presumed that the young ladies in those days were as apt as they are now in finding expedi-

[1] Col. Laws 1660–1672, p. 137.
[2] Vol. 2, 314.
[3] *New English Canaan*, p. 118.

ents to avoid the attentions of suitors who were not favored. Judge Sewall tells us how his daughter Betty, when Capt. Tuthill called, ran away and hid in the family coach and remained until he had departed.

The etiquette of the first families of Boston in early times seems to have required that the parents of the young man who was permitted by the parents of a young lady to wait upon her, should thank the latter for the honor so accorded. At least Judge Sewall in his diary records that he was so thanked by the parents of those who afterward married his daughters, Betty and Judith. And he records with evident satisfaction how "Gov. Dudley visits me in his Chariot; speaks to me in behalf of Col. Wm. Dudley, that I would give him leave that he might visit my daughter Judith. I said 'twas a weighty matter. I would consider of it, etc."[1]

The narrative which Judge Sewall has given us of his own courtships should not be overlooked. The period covered by them was not so long after the commonwealth period as to lead us to suppose that there had been, in the meantime, any marked changes in the customs of Boston society from what they were towards the end of the commonwealth.

It is true that the judge's account is not so poetical as the "Courtship of Miles Standish," and it is also true that it is only the account of the courtships of an aged widower, but it is the only record extant of Puritan courtships in early times which enters into

[1] Sewall *Papers*, Vol. 3, p. 164.

the minutest details with scrupulous adherence to the exact facts.[1]

The Judge's first wife, who had borne him fourteen children, died October 19, 1717. On February 6, following,[2] the Judge records: "This morning wandering in my mind whether to live a Single or a Married Life." After some further mental debate, and apparently some indecision, as to whom to select of various widows whom he evidently had in mind, he made court to the widow Dennison, whose husband had been dead but a short time, the Judge having written his will. But in this, as in all his subsequent courtships, it is plain that the promptings of Cupid never caused the Judge to lose sight of the financial considerations entering into his contemplated matrimonial contracts.

The editors of his diary mildly speak of his courtship of Mrs. Dennison as "infelicitous." It was broken off because, though the Judge writes, "My bowels yern towards Mrs. Dennison," he and the widow could not agree upon the terms of a marriage settlement. As she construed the terms proposed by the Judge, "She said she thought 'twas hard to part with *All* and have nothing to bestow on her Kindred." The judge records that "God directs me in his Providence to desist," but the impression left by the Judge's own admission is that worldly considerations of his own, rather than God's providence, caused the breaking off of the match.

He next courted, and afterwards married, the widow Tilley. She died May 26, 1720, the Judge

[1] See Sewall *Papers*, Vol. 3.

[2] *Papers*, Vol. 3, p. 164.

being then about 69 years old. He lost no time in looking about for another helpmate, and cast his eyes upon Mrs. Katherine Winthrop, widow of Gen. Wait Winthrop, who had buried two husbands. The Judge and Mrs. Winthrop both resided in Boston, and the Judge made his first call upon her about four months after the death of his second wife. This is his account of the first meeting:[1]

"8r 1. (Oct. 1.) Satterday. I dine at Mr. Stoddard's; from thence I went to Madam Winthrop's just at 3. Spake to her; saying my loving wife died so soon and so suddenly, 'twas hardly convenient for me to think of Marrying again; however I came to this Resolution, that I would not make my Court to any person without first Consulting with her. Had a pleasant discourse about 7 (seven) Single persons sitting in the Fore-seat 7r 29th, viz. Madm. Rebekah Dudley, Catherine Winthrop, Bridget Usher, Deliverance Legg, Rebekah Loyd, Lydia Colman, Elizabeth Bellingham. She propounded one and another for me; but none would do; said Mrs. Loyd was about her Age."

The guileless simplicity of the learned Judge in omitting any allusion to the matrimonial qualifications of Madam Winthrop, herself, and the readiness with which the equally guileless widow suggested the names of the six widows and spinsters, besides herself, who occupied the "fore-seat" in the church, remind us how much widowers and widows in early times were like those of to-day.

On the following Monday night the Judge called again, and, after some short preliminary talk, he threw off all disguise as to the real object of his af-

[1] *Papers*, Vol. 3, p. 262.

fections, and proceeded at once to declare himself in unmistakable terms that permitted no evasion.

"I usher'd in Discourse," says the Judge, "from the names in the Fore-seat; at last I pray'd that Katherine [Mrs. Winthrop] might be the person assign'd for me. She instantly took it up in the way of Denyal, as if she had catch'd at an Opportunity to do it, saying she could not do it, before she was asked. Said that was her mind unless she should Change it, which she believed she should not; could not leave her Children. I express'd my Sorrow that she should do it so Speedily, pray'd her Consideration, and ask'd her when I should wait on her agen. She setting no time, I mentioned that day sennight. Gave her Mr. Willard's Fountain open'd with the little print and verses, saying I hop'd if we did well read that book, we should meet together hereafter, if we did not now. She took the Book and put it in her Pocket. Took leave."

The Judge could not wait until the time which he had himself appointed, and called again on the next Wednesday, but Madam Winthrop was out, and so he "gave Katee [her daughter] a peny and a kiss and came away." On the next evening he called again, but Madam Winthrop was not at home, and the Judge endeavored to propitiate the servants by giving "Sarah Chickering the maid 2s," and "Juno, who brought in wood 1s," and the nurse 18d., "having no other small bill." When Madam Winthrop appeared, the Judge again renewed his solicitations and "gave her a piece of Mrs. Belcher's Cake and Ginger-Bread, wrapped up in a clean sheet of Paper; told her of her Father's kindness to me when Treas-

urer, and I Constable. My daughter Judith was gon from me and I was more lonsom, might help to forward one another in our Journey to Canaan." But the widow remained obdurate.

The next time he called, she treated him courteously; but the next time after that he tells us that:

"She was full of work behind a Stand." Her "Countenance was much changed from what 'twas on Monday, look'd dark and lowering. At last, the work (black stuff or Silk), was taken away, I got my Chair in place, had some Converse but very cold and indifferent to what 'twas before. Asked her to acquit me of Rudeness if I drew off her Glove. Enquiring the reason, I told her 'twas great odds between handling a dead Goat and a living Lady. Got it off." But she yielded no farther, although the Judge "told her the reason why I came every other night was lest I should drink too deep draughts of Pleasure. She had talk'd of Canary, her kisses were to me better than the best Canary."

Nevertheless, the Judge continued to press his suit. He made her presents of books and, with an accurate perception of women's tastes, he did not forget to give her almonds and other dainties. Once he "gave her about ½ pound of Sugar Almonds, cost 3s per £. She seemed much pleas'd with them, ask'd what they cost."

The Judge's courtship of Mrs. Winthrop did not progress so far as to involve the settlement of financial questions, though she quizzed the Judge about a rumor that she professed to have heard about his having given all his property to his children, which the Judge vigorously denied. Once she took

occasion "to speak pretty earnestly" about the Judge's "keeping a Coach," she insisting that "'twould cost but £40," while the Judge contended that "'twould cost £100 per annum."

The Judge found that the widow's moods were variable. Sometimes she treated him "with a great deal of Curtesy; Wine; Marmalade," and on another occasion he says that she gave him "a Dram of Black Cherry Brandy and gave me a lump of the Sugar that was in it." But the widow soon began to indicate to the Judge that his courtship was in vain. Sometimes she would keep him waiting before she came in, and thereupon the Judge would have to put in the time reading the Bible and other good books; she did not array herself "in Clean Linen as Sometimes"; she "offered not to help him" put on his great coat when he left; she failed to replenish the fire when it burned low; she excused herself from sending her servant to light him home, on the ground that Juno was tired and had gone to bed, and that it was light enough to see without a lantern. She also "quoted the Apostle Paul affirming that a single life was better than a married," and once she was so unkind as to suggest to him his "needing a Wigg."

The Judge's narrative of his last visit on Monday, Nov. 7, 1720, is as follows:

"I went to Mad. Winthrop; found her rocking her little Katee in the Cradle. I excus'd my Coming so late (near eight). She set me an arm'd Chair and Cusheon; and so the Cradle was between her arm'd Chair and mine. Gave her the remnant of my Almonds; She did not eat of them

as before, but laid them away; I said I came to enquire whether she had alter'd her mind since Friday or remained of the same mind still. She said, Thereabouts. I told her I loved her, and was so fond as to think that she loved me. She said had great respect for me. * * * The Fire was come to one short Brand, besides the Block, which Brand was set up in end; at last it fell to pieces, and no Recruit was made. She gave me a Glass of Wine. I think I repeated again that I would go home and bewail my Rashness in making more haste than good Speed. I would endeavor to contain myself and not go on to sollicit her to do that which she would not Consent to. Took leave of her. As came down the steps she bid me have a care. Treated me Courteously. * * * I did not bid her draw off her Glove as sometime I had done. Her dress was not so clean as sometime before it had been. Jehovah jireh."

The Judge seems by this time to have taken the hint, and he did not renew his visits to Madam Winthrop, but cast his eyes upon the widow Martha Ruggles, carefully beginning the siege by first writing to her brother, Timothy Woodbridge, a letter which the editors of the "Letter-Book" pronounce "one of the most interesting and certainly one of the most characteristic of the whole collection." In this letter he says:[1]

"I remember when I was going from school at Newbury, I have sometime met your Sisters Martha, and Mary, at the end of Mrs. Noyes's Lane, coming from their Schoole at Chandler's Lane, in their Hanging Sleeves; and have had the pleasure of Speaking with them: And I could find in my heart to speak with Mrs. Martha again, now I my self

[1] *Letters*, Vol. 2, p. 133.

am reduc'd to my Hanging Sleeves. The truth is, I have little Occasion for a Wife, but for the sake of Modesty, and to cherish me in my advanced years (I was born March 28, 1652) Methinks I could venture to lay my Weary head in her Lap, if it might be brought to pass upon Honest Conditions. You know your Sister's Age, and Disposition, and Circumstances, better than I doe. I should be glad of your Advice in my Fluctuations."

But the widow Ruggles did not look kindly on the Judge's suit, and, after having twice proposed to her and having been twice rejected, he next wooed and won the widow Gibbs, to whom he was married on March 29, 1722.

It should be borne in mind, however, that the record of the courtships of Judge Sewall is the record of the courtships of an old man, after the infirmities, and some of the follies, of old age had come upon him.

Among people of considerable fortunes, the English custom prevailed of settling property rights and fixing the bride's portion by ante-nuptial agreements, and in the making of them, as appears from Judge Sewall's diary, there was often a good deal of what in this age would be looked upon as higgling and driving of sharp bargains.

It is not probable that the marriage portions or wedding outfits of the brides were very costly until long after the beginning of the commonwealth, and not then unless the parents were in far more affluent circumstances than the most of their neighbors.

The tradition is that John Hull, the maker of the Pine Tree shillings, gave his daughter her weight in

them for her wedding portion. But there was only one John Hull, and, besides, the tradition is not well authenticated.

Judge Sewall ordered from London a wedding outfit for his daughter Judith, which comprised the following:[1]

"Curtains & Vallens for a Bed with Counterpane Head Cloth and Tester made of good yellow waterd worsted camlet with Triming well made and Bases if it be the Fashion. Send also of the Same Camlet & Triming as may be enough to make Cushions for the Chamber Chairs.

"A good fine large Chintz Quilt well made.

"A true Looking Glass of Black Walnut Frame of the Newest Fashion if the Fashion be good, as good as can be bought for five or six pounds.

"A second Looking Glass as good as can be bought for four or five pounds, same kind of frame.

"A Duzen of good Black Walnut Chairs fine Cane with a Couch.

"A Duzen of Cane Chairs of a Different Figure and a great Chair for a Chamber; all Black Walnut

"One bell-metal Skillet of two Quarts, one ditto one Quart.

"One good large Warming Pan bottom and cover fit for an Iron handle.

"Four pair of strong Iron Dogs with Brass heads about 5 or 6 shillings a pair.

"A Brass Hearth for a Chamber with Dogs Shovel Tongs & Fender of the newest Fashion (the Fire is to ly upon Iron).

"A strong Brass Mortar That will hold about a Quart with a Pestle.

[1] Sewall's *Letters*, Vol. 2, pp. 105–6.

"Two pair of large Brass sliding Candlesticks about 4 shillings a Pair.

"Two pair of large Brass Candlesticks not sliding of the newest Fashion about 5 or 6 shillings a pair.

"Four Brass Snuffers with stands.

"Six small strong Brass Chafing dishes about 4 shillings apiece.

"One Brass basting Ladle; one larger Brass Ladle.

"One pair of Chamber Bellows with Brass Noses.

"One small hair Broom suitable to the Bellows.

"One Duzen of large hard-mettal Pewter Plates new fashion, weighing about fourteen pounds.

"One Duzen hard-mettal Pewter Porringers.

"Four Duzen of Small glass Salt Cellars of white glass; Smooth not wrought, and without a foot.

"A Duzen of good Ivory-hafted Knives and Forks."

At the Howe Family Gathering in South Framingham, Mass., in 1871, there was exhibited a document showing the marriage portion given as late as 1784 by Nehemiah Howe, then of Vermont but formerly of Marlborough, Mass., to his daughter Beulah, in which were enumerated the following very useful and essential articles:

	£	*s.*	*d.*
One cow	3		
A chist of draws	2		
One feather bed	3	10	
8 sheets	4		
2 table cloths		12	
1 coverlid	1	5	
1 Beed quilt	1	5	
2 Beed ticks	1	5	
1 foot wheel	1		

	£	s.	d.
1 grate wheel		8	
a looking glass		9	
a frying pan		4	
2 tubs		7	
2 tables		9	
4 chars		10	
1 pillian		6	
1 tramil		7	
1 fire place tongs		12	
1 tosting iron		3	
a horse	8		
Land in Poultney	10		
	31	14	

Scant as was the wedding outfit of Miss Beulah, compared with that of Miss Judith, it is probable that the former's was far more elaborate than that of most of the New England brides, especially in the early part of the commonwealth period.

Mention has been made of the causes for divorce. In at least one instance the General Court made the singular experiment of trying to compel a husband and wife to stick to each other. This was in the case of the Rev. Stephen Batchelor, of Lynn, who, when nearly ninety years old, married a third wife. Matrimonial troubles followed, and in 1650 the General Court ordered "that Mr. Batchelor and his wife shall lyve together as man and wife, as in this Court they have publiquely professed to do, and, if either desert one another, then hereby the Court doth order that ye Marshall shall apprehend both said Mr. Batchelor and Mary, his wife, and bring them forth-

with to Boston, here to be kept till the next Quarter Court of Assistants." But the frisky octogenarian got away, after all, went to England, married another wife, and persisted in living on. Six years later, the disconsolate Mary, having become convinced apparently that there was no other relief, presented her petition to the General Court for a divorce.

Actions for breach of promise of marriage seem to have been rare, but there is a record of one in 1633, in which it was ordered that "Joyce Bradwicke shall give unto Alex Becke the some of 20s, for promising him marriage without her ffriends consent & now refusing to performe the same."[1]

Doctors.—Doctors do not appear to have been very numerous in the early years of the commonwealth. The example of Nicholas Knopp probably served to intimidate quacks at the outset, for the records show that in 1630 he "is fined 5 £ for takeing upon him to Cure the scurvey by a water of noe worth nor value, which he solde att a very deare rate, to be imprisoned till hee pay his ffine, or give security for it, or els to be whipped & shalbe lyable to any mans action of whom hee hath received money for said water."[2]

Funerals.—The funeral services were very plain. No hearses were used, but a simple coffin containing the body was placed upon a bier and borne to the grave by carriers, the pall-bearers walking on each side, and the mourners following on foot. There were no special ceremonies at the grave. No funeral

[1] Mass. Rec., Vol. 1, p. 104.
[2] Mass. Rec., Vol. 1 p. 83.

sermon was preached, not even a prayer was offered, as such a ceremony was supposed to savor too much of popery.

The somber description which the poet Whittier has given of "The Old Burying Ground" would probably apply to many others in New England in the olden times:

"Our vales are sweet with fern and rose,
Our hills are maple-crowned;
But not from them our fathers chose
The village burying-ground.

"The dreariest spot in all the land
To Death they set apart;
With scanty grace from Nature's hand,
And none from that of Art.

"A winding wall of mossy stone,
Frost-flung and broken, lines
A lonesome acre thinly grown
With grass and wandering vines.

* * * * * *

"Low moans the river from its bed,
The distant pines reply;
Like mourners shrinking from the dead,
They stand apart and sigh.

"Unshaded smites the summer sun,
Unchecked the winter blast;
The school-girl learns the place to shun,
With glances backward cast.

"For thus our fathers testified,
That he might read who ran,
The emptiness of human pride,
The nothingness of man."

No costly monuments marked the last resting places of the Puritans. If there were any tombstones at all, they were plain slabs, on some of which were graven hideous pictures and hideous rhymes. Examples of them can be seen in the Concord cemetery and in many of the old cemeteries in Massachusetts.

There was one feature of their funerals, however, which grew into such an abuse that the General Court deemed it necessary to restrain it by law. This was the custom of distributing gloves, scarfs and mourning rings among the carriers and pall-bearers, and sometimes suits of black clothes to those who could not afford to buy them Afterward it became customary to distribute such presents among the relations and attendants.

The pious but thrifty Judge Sewall, in his diary, gives us a partial inventory of his accumulations of rings, scarfs and gloves, at the funerals "of some I have been a Bearer to."[1] To such presents supplies of rum were afterward added.

As an example of the extravagance of funerals the following is given, purporting to have been copied from the probate records, of the charges for the funeral of the widow of the Rev. John Norton.[2]

[1] Sewall *Papers*, Vol. 1, p. 469.
[2] *Lives of the Chief Fathers of New England*, Vol. 2, p. 236.

"1677–8 Jan. 20. Account of Funeral Charges of Mrs. Mary Norton:

Jan. 20	51 1-2 gallons of best Malaga with cask and carriage at £10.13	£10.13
	50 1-2 ells of best broad lute string at 10s. ell	25. 5
Jan. 25	Paid money to Wm. and Joseph Gridley for opening the tomb	1.16
" 28	Money, Solomon Ransford for coffin and plate	1.18
" "	Gloves 6 doz. pair	5.12–6
" "	do 2 " "	2
Feb. 5	do 10 " and 3 pair	10.19–9
" 16	do 12 do " 6 do	12. 8
" "	do 2 do 10 do	2. 8–2
		73.0–5"

The Rev. John Cobbet, of Ipswich, died in 1685. "At his funeral were expended one barrel of wine, £6.8; two barrels of cider, 11s; 82 pounds of sugar, £2.1; half a cord of wood, 4s; four dozen pair of gloves for men and women, £5.4; with some spice and ginger for the cider."[1]

So expensive did funerals become that at a later date (1741) a law was enacted which provided that "no scarves, gloves (except six pair to the bearers and one pair to each minister of the church or congregation where any deceased person belongs) wine, rum, or rings, be allowed and given at any funeral."

Rank.—The distinctions which prevailed in England were recognized, for a time and to a limited extent, among the colonists here. Curiously enough,

[1] Lewis's *History of Lynn*, p. 101.

this recognition was most manifest and lasted the longest in the seating of the congregation in the churches. But even there it seems that the assignment of the best seats was influenced, to a large extent, not so much by considerations of birth or rank, as it was by determining who paid the most taxes for the support of the church.

The laws as to dress, it is true, made certain exceptions in favor of those whose estates exceeded in value two hundred pounds, "or any other whose education and imployment have been above the ordinary degree, or whose estate have been considerable, though now decayed." It is apparent, however, that the chief object of this law was to restrain people from dressing beyond their means, partly on their own account and partly for obvious reasons of public policy, and that the exception in the last clause was a slight concession to those who had seen better times in England. The Body of Liberties[1] also exempted from the punishment of whipping "any true gentleman" or "any man equall to a gentleman * * * unless his crime be very shamefull and his course of life vitious and profligate." But there is nothing in the laws of the commonwealth that indicates the slightest tendency toward the perpetuation of the distinctions founded on birth or rank which prevailed in England, or the building up of an aristocracy here based on either rank or wealth.

Nevertheless, there was a scrupulous regard paid to the titles, civil, military, or religious, of those bearing them, and the captains, ensigns, corporals and

[1] No. 43.

deacons were so mentioned when referring to them. The title "Esquire" was rarely applied. Even the titles "Mr." and "Mrs." were sparingly used, and then, generally, in addressing or speaking of ministers and distinguished persons. The terms "good man" and "good wife" were used rather to denote excellence of character than superiority of birth or rank.

It must not be supposed, however, that distinctions founded on family connections with ancestors of distinction or noble birth were entirely ignored. On the contrary, they were carefully observed, and the family arms, if there were any, were displayed on all suitable occasions. When Mrs. Katherine Winthrop was buried, Sewall tells us that "the Escutcheons on the hearse bore the arms of Winthrop and Brattle, The Lion Sable," the former being those of the family of her last husband, and the latter those borne by her brother, Thomas Brattle.[1]

[1] Sewall *Papers*, Vol. 3, p. 363.

VI

INDUSTRIAL AND COMMERCIAL LIFE

Laws Against Idleness.—One of the first things that engaged the attention of the colonists was to see that every man, woman, and child had something to do and that it was done. The colonists had no use for idlers and shirks. As early as 1633 it was ordered by the General Court that "noe person, howse houlder or other, shall spend his time idlely or unproffitably, under paine of such punishment as the Court shall thinke meete to inflicte, & for this end it is ordered that the constable of every place shall use spetiall care & deligence to take knowledge of offenders in this kinde, espetially of common coasters, unprofitable fowlers & tobacco takers and present the same &c."[1]

In 1636 an order was made that "all townes shall take care to order and dispose of all single persons & inmates within their townes to service or otherwise."[2] By a subsequent law "neglectors of their families" were added to the list of idlers. Towns were especially enjoined to "take care from time to time, to Order and Dispose all single Persons, & inmates within there Townes to service or otherwise, and if

[1] Mass. Rec., Vol 1, p. 109.
[2] Mass. Rec., Vol. 1, p. 186.

any be grieved at such Order or disposall, they have Liberty to appeale to the next County Court." The selectmen were also required to see that "all parents & masters do breed & bring up their children & apprentices in some honest Lawfull calling, labor or imployment, either in husbandry or some other trade, profitable for themselves and the commonwealth, if they will not, or can not train them up in learning to fitt them for higher employments."

By a law passed in 1682, the tithing-men in each town were required to return all such idlers to the next magistrate who was authorized to set them to work "in or about any employment they are capable of," and, if they refused "to be regulated as aforesaid," then they were to be sent to the house of correction. Other laws designed to promote industry will be noted in the following pages.

AGRICULTURE.[1]—All grants of land were obtained from the General Court. Usually a large body of land was granted to several proprietors who held it at first in common and afterwards made a division of it or disposed of it to actual settlers.[2]

The tilling of the soil, both for farms and gardens, was, as a matter of course, the chief industry at the start. The soil of Massachusetts was much better in the beginning, before it was exhausted by cultivation, than it is now. The meadows and the salt marshes produced good hay. Wheat did not thrive, but Indian corn, rye, oats and most of the fruits and

[1] Palfrey, Vol. 1, p. 13; *Husbandry in Colony Times*, by Edward Eggleston, 5 Century Mag., 431

[2] An interesting account of the manner in which the Sudbury lands were divided is given by Mr. Hudson in his *History of Sudbury*, p. 104.

vegetables that are common to-day were soon cultivated and yielded good crops.

Of domestic animals, swine and poultry were soon introduced and rapidly increased. It was more difficult to raise sheep on account of the wolves and severe winters. Horses and cattle increased until they soon became abundant.

Agricultural implements were of the rudest character, as they were then in England. Plows were scarce, and those used were of the most primitive pattern. Wheat was reaped with a sickle and threshed with a flail. Four-wheeled wagons were unknown, and the only kind of vehicle used in farm work was a rude cart. In Higginson's Catalogue of "needful things" for the New England planter he enumerates the following "Tools," viz: "1 broad hoe; 1 narrow hoe; 1 broad axe; 1 felling axe; 1 steel hand-saw; 1 whip saw; 1 hammer; 1 shovel; 1 spade; 2 augers; 4 chisels; 2 piercers (stocked); 1 gimlet; 1 hatchet."

A curious law[1] for the benefit of the farmers, enacted in 1646, recites that:

"Because the harvest of Hay, Corn, Hemp and Flax, comes usually so near together that much losse can hardly be avoided. It is therefore Ordered by the Authority of this Court; That the Constables of every town, upon Request made to them shall Require any Artificers or handy Crafts-men, Meet to Labour, to work by the day for their Neighbours in mowing, reaping of corn & inning thereof Provided that those men whom they work for, shall duely pay them for their Work. And that if any person so Required shall Refuse, or the Constable neglect his Office

[1] Col. Laws, 1660–1672, p. 203.

herein, they shall Each of them Pay to the use of the Poor of the Town double so much as such Dayes Work Comes unto. Provided no Artificer or Handy-Crafts-Man shall be Compelled to Work as aforesayd, for others, whiles he is necessarily attending on the like Busines of his Own."

Another law[1] was passed in 1652 for the protection of the farmers, prohibiting the importation of "malt, wheat, barley, bisket, beife, meal and flower (which are the principall Comodityes of this Country) from Forreign parts."

Fishing.—On the sea coast, fishing speedily became an important industry to supply domestic consumption and afterwards to supply the demands of foreign commerce; and, as commerce grew, shipbuilding also became an important industry.

Mechanical Trades.—In the mechanical trades, carpenters, smiths, bricklayers, joiners and sawyers were early in demand, and other artisans soon appeared, especially in the larger towns.

Manufactures.—Mills for grinding corn and wheat were soon built, and were run either by wind or water. Before that the colonists had pounded their corn after the fashion of the Indians.

Tanneries were soon established and several laws were enacted to encourage the manufacture of leather.

The manufacture of salt was also begun at an early date.

A pottery was established at Salem in 1641 and iron works at Lynn in 1643, but the latter were abandoned.

Spinning was at first done at home and by a law

[1] Col. Laws, 1660–1672, p. 175.

passed in 1655 "all hands not necessarily Imployed on other occasions, as Women, Girls and Boyes, shall and hereby are enjoyned to Spin according to their skill and ability."

The weaving of woolen and cotton cloths was begun at Rowley in 1643.

Other small manufactories followed, but their progress was slow and nothing indicated even the beginning of that wonderful manufacturing growth in Massachusetts that crowds the banks of the Merrimac with mills and makes the very earth quiver with the vibrations of their machinery.

Commerce with other Colonies and Countries.[1]—Trade between the Massachusetts and Virginia colonies began as early as 1631, the former exchanging beaver and other skins and fish for corn and tobacco supplied by the latter. Trade was also carried on with the Dutch at New York, the Massachusetts colonists getting from them sheep, sugar, etc., for sack, strong waters, linen cloth, etc. Some trade was also carried on with the Maryland colony. Johnson[2] also mentions trade with England, the Barbadoes, Portugal and Spain.

Currency.[3]—The scarcity of money was soon felt, and so early as 1631 it was ordered by the General Court that "noe planter within the lymitts of this jurisdiction returning for England, shall carry

[1] *Boston and the Neighboring Jurisdictions*, by Charles C. Smith; 1 Mem. Hist. of Boston, p. 275.

[2] *Wonder-Working Providence.*

[3] See Felt's *Historical Account of Massachusetts Currency*; Sumner's *History of American Currency.*

either money or beaver with him without leave from the Governor."[1]

The scarcity of money was felt more severely after the year 1640, after which time, for a long period, more people returned to England each year than came from there, and what specie had been accumulated in trade with other colonies and countries was exported or hoarded and silver prices fell accordingly.

"The scarcity of money," says Winthrop, "made a great change in all commerce. Merchants would sell no wares but for ready money, men would not pay their debts, though they had enough, prices of lands and cattle fell soon to the one-half and less, yea to a third, and after one-fourth part."[2]

The Indians whom the colonists found used, as a substitute for money, strings or belts of polished beads, white made from periwinkle shells and black from clam shells. These strings or belts were called "wampum." The colonists used this at first as a medium of exchange in their traffic with the Indians and then in their dealings with one another, and various laws were passed making wampum a legal tender for specified amounts. For a time, musket balls, at the rate of a farthing each, were also a legal tender for sums under twelve pence.

In 1631 it was ordered "that corne shall passe for payment of all debts at the usual rate it is solde for, except money or beaver be expressly named."[3] Afterwards, in 1637, it was ordered "that corne

[1] Mass. Rec., Vol. 1, p. 93.
[2] Vol. 2, p. 18.
[3] Mass. Rec., Vol. 1, p. 92.

should passe at 5sh. p. bushel in all payments for any bargaine hereafter to bee made, until the Courte take further course therein."[1] In October, 1640, it was ordered that "after the last day of this month, no man shall be compelled to satisfye any debt, legacy, fine, or other payment, in money, but satisfaction shall bee accepted in corne, cattle, fish or other commodities," at such rates as the General Court might from time to time establish, or as might be determined by appraisers. This did not apply, however, to debts or contracts accrued or made prior to the last day of October.[2]

Corn and silver plate were made a legal tender at specified prices in payment of taxes,[3] and "land, houses, corne, cattle, fish, or other commodities" were ordered to be accepted at their appraised values in satisfaction of executions,[4] and in 1641 it was ordered that all servants, laborers and workmen "should bee content to abate their wages according to the fall of the commodities wherein their labors are bestowed, and that they should be satisfied with payment in such things as are raised by their labor, or other commodities which the country affoards."[5]

But some gold and silver were necessary for carrying on the government and foreign trade, and in 1652 a mint was established at Boston. The law authorizing it[6] provided for the coinage of "all Bullion, plate or spanish Coyn" into "twelve penny, six

[1] Mass. Rec., Vol. 1, p. 192.
[2] Mass. Rec., Vol. 1, p. 304.
[3] Mass. Rec., Vol. 1, pp. 140, 206, 294.
[4] Mass. Rec., Vol. 1, p. 307.
[5] Mass. Rec., Vol. 1, p. 326.
[6] Col. Laws, 1660–1672, p. 181.

penny and three penny peices, which shall be stamped with a double Ring on either side with this inscription MASSACHUSETS[1] & a tree in the center on the one side, NEW ENGLAND with the year of our Lord, and the figure XII. VI. III. according to the Value of each peice on the other side," etc. The same law prohibited, under heavy penalties, the exportation of the money so coined "except twenty shillings for necessary expences." The enactment of this law was one of the grounds upon which the charter was afterwards revoked. The master of the mint was John Hull, and the shillings coined were known as "Pine Tree" shillings. But despite all the efforts to keep it in circulation at home, the new money went out of the country or disappeared as fast as it was coined, and the barter currency continued to the end of the commonwealth, corn, cattle and other commodities being made a legal tender for payment of taxes and other purposes at specified amounts, and, by general consent, being used for almost all purposes by the people in their private dealings with one another.

A report was made to the General Court in June, 1652, upon the project of establishing a bank and issuing paper money, but the idea of "fiat" paper money was not fully developed, or, at least, was not put in practice, until after the expiration of the commonwealth. On December 10, 1690, the General Court ordered the issue of £7,000 in bills of 5s. to £5. "Thus," says Mr. Felt, "commenced a method of furnishing a paper currency, regulated by

[1] On the face of the coins this word is uniformly spelled *Masathusets*.

the government, and conducted by its officers, which continued till 1750, excepting some, in bills of small denominations, for change, emitted soon after that year."[1] When the issue of paper money was first proposed, one of the strongest arguments against it was that the commonwealth had previously prospered without it, and had paid all its debts, including the enormous expenses of King Philip's war.[2] The inevitable result followed the unlimited issue of paper money; it speedily fell in purchasing power, and those whose necessities compelled them to take it, and who could least afford the loss, were the heaviest losers.

The corn and other commodities which the colonists used when money was scarce were not very convenient substitutes for money, but their barter currency had an intrinsic value and was better than irredeemable paper and was never repudiated.

Regulating Wages and Prices.—At the first meeting of the Court of Assistants in August, 1630, the wages of carpenters, joiners, bricklayers, sawyers and thatchers were established under penalties for taking or giving more than those so established, but at the meeting of the General Court in March following, they were "lefte free & set att liberty as men shall reasonably agree."[3] In 1633, another order was made fixing the wages of "maister carpenters, Sawers, Masons, clapboard-ryvers, brickelayers, tylars, joyners, wheelewrights, mowers," and other workmen, and it was further ordered that "all worke-

[1] *An Historical Account of Massachusetts Currency*, p. 50.
[2] Sewall's *Letters*, Vol. 2, p. 235.
[3] Mass. Rec., Vol. 1, pp. 74, 84.

men shall worke the whole day, alloweing convenient tyme for foode & rest."[1]

Repeated efforts were also made by the General Court to establish prices. In 1633 a general order was made reciting "the greate extortion used by divers persons of little conscience," and providing that thereafter:

"Noe person shall sell to any of the inhabitants within this jurisdiction any provision, cloathinge, tooles or other commodities, above the rate of ffour pence in a shilling more than the same cost or might be bought for ready money in England, upon paine of forfeiting the valewe of the thinge solde (except cheese, which in regard of the much hazard in bringing) & wyne, oyle, vinegar & strong waters, which in regarde of leaking, may be sold at such rates (provided the same be moderate) as the buyer & seller can agree. And for lynnen & other commodities, which in regard of their close stowage & small hazard, may be afforded att a cheap rate, wee doe advise all men to be a rule to themselves, in keeping a good conscience, assureing them that if any man shall exceede the bounds of moderation, wee shall punish them severely."[2]

In 1634, the price of corn was "lefte at liberty to be solde as men can agree." Soon afterwards its price was again fixed by law.[3] But again in 1637 "the price of corne is set at liberty."[4]

The prior laws establishing wages and prices were repealed in 1635, and in lieu thereof the following law was enacted:

[1] Mass. Rec., Vol. 1, p. 109.
[2] Mass. Rec., Vol. 1, p. 111.
[3] Mass. Rec., Vol. 1, pp. 115, 142.
[4] Mass. Rec., Vol. 1, pp. 115, 142, 200, 340.

"Whereas two former laws, the one concerneing the wages of workemen, the other concerneing the prizes of commodyties, were for dyvers good considerations repealed this present Court, nowe for avoydeing such mischiefs as may followe thereupon by such ill disposed persons as may take liberty to oppresse & wronge their neighbours by takeing excessive wages for worke or unreasonable prizes for such necessary merchandizes or other commodyties as shall passe from man to man, it is therefore nowe ordered that if any man shall offend in any of the said cases against the true intent of this lawe, hee shal be punished by ffine or imprisonment, according to the quality of the offence, as the Court upon lawfull tryall & conviction shall adjudge."[1]

Various entries are found in the records showing punishments for violation of the laws against extortion in wages or prices. Among others, Edward Palmer "for his extortion, taking 1£ 13s. 7d. for the plank & woodwork of Boston stocks, is fined 5£ & censured to bee set an houre in the stocks," but his fine was remitted to 10s.

The most noted prosecution for a violation of this law was that of Robert Keayne. He was a Boston shopkeeper, and seems to have been a prominent citizen, having been a deputy several times in the General Court and the first captain of the military company of Boston, afterwards known as the Ancient and Honorable Artillery. His prosecution is very minutely described by Winthrop.[2] The case is so grotesque in all its details, and is so curious an illustration of the times, as to justify more than a brief mention.

[1] Mass. Rec., Vol. 1, pp. 159, 160; Col. Laws, 1660–1672, p. 183.
[2] Vol. 1, pp. 313–317.

He was charged in the General Court in 1639, with many particulars, of oppression in the sale of foreign commodities, "in some for taking above six-pence in the shilling profit; in some above eight-pence, and, in some small things, above two for one and being hereof convict (as appears by the records) he was fined £200." His offense was considered by the General Court to be highly aggravated by the facts.

"1 He being an ancient professor of the gospel; 2 a man of eminent parts; 3 wealthy and having but one child; 4 having come over for conscience' sake, and for the advancement of the gospel here; 5 having been formerly dealt with and admonished, both by private friends, and also by some of the magistrates and elders, and having promised reformation."

The magistrates seem to have had some doubts.

"1 Because there was no law in force to limit or direct men in point of profit in their trade. 2 Because it is the common practice, in all countries, for men to make use of advantages for raising the prices of their commodities. 3 Because, though he were chiefly aimed at, yet, he was not alone in this fault. 4 Because all men through the country, in sale of cattle, corn, labor, etc., were guilty of the like excess in prices. 5 Because a certain rule could not be found out for an equal rate between buyer and seller, though much labor had been bestowed in it, and divers laws had been made, which, upon experience, were repealed, as being neither safe nor equal. Lastly, and especially, because the law of God appoints no other punishment but double restitution; and, in some cases, as where the offender freely confesseth, and brings his offering, only half added to the principal."

Then the church at Boston "called him in question" where the accused tried to excuse himself chiefly by reason of his having been "misled by some false principles" in the law of Christian commerce.

Of course Mr. Cotton was ready, as he always was, with a sermon or a lecture that just fitted the case, no matter what it was. It is interesting to note what his views were as to the true rules that should govern in trading. We read:

"These things gave occasion to Mr. Cotton, in his public exercise the next lecture day, to lay open the error of such false principles, and to give some rules of direction in the case.

"Some false principles were these:

"1 That a man might sell as dear as he can, and buy as cheap as he can.

"2 If a man lose by casualty of sea, etc., in some of his commodities, he may raise the price of the rest.

"3 That he may sell as he bought, though he paid too dear, etc., and though the commodity be fallen, etc.

"4 That, as a man may take the advantage of his own skill or ability, so he may of another's ignorance or necessity.

"5 Where one gives time for payment, he is to take like recompense of one as of another.

"The rules for trading were these:

"1 A man may not sell above the current price, i. e., such a price as is usual in the time and place, and as another (who knows the worth of the commodity) would give for it, if he had occasion to use it; as that is called current money, which every man will take, etc.

"2 When a man loseth in his commodity for want of

skill, etc., he must look at it as his own fault or cross, and therefore must not lay it upon another.

"3 Where a man loseth by casualty of sea, or, etc., it is a loss cast upon himself by providence, and he may not ease himself of it by casting it upon another; for so a man should seem to provide against all providences, etc., that he should never lose; but where there is scarcity of the commodity, there men may raise their price; for now it is a hand of God upon the commodity, and not the person.

"4 A man may not ask any more for his commodity than his selling price, as Ephron to Abraham, the land is worth thus much."

Some were very earnest to have Keayne excommunicated, but most thought an admonition sufficient, and "so in the end, the church consented to an admonition."

It was speedily found that the laws regulating wages could not be enforced, "for being restrained, they would either remove to other places where they might have more, or else, being able to live by planting and other employments of their own, they would not be hired at all."[1] So the fixing of wages was referred to the towns, and in this way "by the counsel and persuasion of the elders and example of some who led the way," the laborers and workmen "were brought to more moderation than they could by compulsion." But even this way "held not long." Neither laws nor the "persuasion of the elders" can control wages.

Equally ineffectual were the laws to regulate the prices of commodities and the profits of tradesmen.

[1] Winthrop, Vol. 1, p. 24.

One of the principles of trading, which Mr. Cotton had so clearly proved by scripture and the example of Ephron and Abraham to be a "false principle," was "that a man might sell as dear as he can and buy as cheap as he can." Nevertheless the people persisted in going on in the same old way, and Winthrop records (in 1640) that "this evil was very notorious among all sorts of people, it being the common rule that most men walked by in all their commerce, to buy as cheap as they could, and to sell as dear."[1]

[1] Vol. 2, p. 22.

VII

FRONTIER LIFE

As the towns grew in population and wealth, the distinction between town life, especially in Boston, and life on the frontier became more and more marked. For obvious reasons there have always been, as there are to-day, many differences between urban and rural life. The people in the towns, and particularly in Boston, turned their attention largely to commerce. They amassed wealth faster than those in the country and soon had larger and better furnished houses. Boston was the center of the commercial, the intellectual, and the literary activity of the colony, and all this soon became manifest in the tastes and manners of the citizens. The settlers in the frontier towns adhered much more strictly, and for a much longer period, to the modes of life and thought which characterized the early Puritans. They did not accumulate fortunes so large, or so easily, as men in Boston, and during the commonwealth period they did not change greatly in the style of their houses, their dress, their manners, or their mode of living.

Almost from the first the colonists began to push out their settlements in the direction of the frontier. Watertown, about four miles up the Charles River,

was settled in the first year of the colony by Sir Richard Saltonstall and his company. It grew rapidly in population and soon the inhabitants were complaining of "straitness of accomodation and want of more meadow," and they began to emigrate and to establish new settlements at Dedham, Concord, Sudbury and other points.

In the same way, within twenty years after the founding of Sudbury, some of the inhabitants of that town petitioned the General Court for permission "for to make a Plantation" at Marlborough, alleging as reasons:

> "That whereas your Petitioners have lived divers years in Sudbury, and God hath been pleased to increase our children, which are now diverse of them grown to man's estate; and wee, many of us, grown into years, so that wee should bee glad to see them settled before the Lord take us away from hence, as also God having given us some considerable quantity of cattle, so that wee are so straightened that we cannot so comfortably subsist as could be desired; and some of us, having taken some pains to view the country, wee have found a place which lyeth westward about eight miles from Sudbury, which wee conceived might be comfortable for our subsistence."[1]

No plantation could be established, however, without permission from the General Court, and the first thing to be done was to present a petition and get its consent, which was usually given upon the performance of specified conditions, as, for example, in the grant to the Sudbury petitioners who desired to locate at Marlborough, "that there be a town set-

[1] Hudson, *Hist. Marlborough*, 26.

tled with twenty or more families within three years, so as an able ministry may bee there maintained."

Usually the next step after granting permission to establish a plantation was the appointment by the General Court of commissioners to lay off its boundaries.

As before stated, the General Court recognized the Indian title, and all grants of authority to establish a plantation were upon the express or implied condition that the title of the Indians had been, or should be, purchased of them, and, to guard against their being imposed upon, it was necessary that such purchase should also be approved by the General Court.

Generally a company of proprietors united in the purchase of the land, but sometimes a direct grant was made by the General Court in payment of some debt, or in recognition of some meritorious service or claim.

The next step in the foundation of the plantation was the division or allotment of the lands. Generally the first allotment was of a few acres to each settler for a dwelling place, these lots being small and located close together for the mutual protection of the inhabitants. Afterward the "meadow" land and "wood" land were divided. These divisions, whether made before or after the plantation became a town, were made with reference to the respective interests of the proprietors. "Commons," or lands for common pasturage, were usually reserved, and also lands for "training fields." Such lands as were not divided among the proprietors, or reserved by them, were sold and the proceeds divided or paid into

the common fund. Sometimes grants of land were made to encourage the establishment in the settlement of a grist-mill, a blacksmith shop, or some other industry. After the title to a particular parcel of land had become vested in some individual, it became subject to disposal by conveyance or devise and to the laws of descent.[1]

Proximity to the Indians, more than all other causes, made life on the frontier far different from what it was in Boston and in the towns near it. During the whole period of the commonwealth, Indian wars, and the apprehension of them, exercised a large influence upon the domestic, social, and industrial life of the colonists, but more especially of those living on the frontier, so that the military features of early colonial life were at all times prominent in the frontier towns.

Preparations were early made for the organization of the militia. Afterwards militia laws were enacted containing minute regulations for raising, organizing and equipping a military force of infantry, calvary and artillery.

Every person above the age of 16 years was required to attend military exercises and service, except certain government officers, elders and deacons, the officers and students of Harvard College, schoolmasters, physicians and surgeons, masters of vessels of over 20 tons, fishermen and herdsmen constantly

[1] An elaborate account of the acquisition and division of the lands in Sudbury, with maps showing the location of the roads and house lots, will be found in the valuable and interesting history of that town by Mr. Alfred S. Hudson.

employed, and some others who, for bodily infirmity or other cause, were wholly or partially excused.

Two-thirds of every military company were to be "musquetiers, and those which serve with pikes have corselets and head pieces." The army of the foot soldiers was provided for as follows:[1]

"Every foot souldier shall be compleatly Armed & furnished, the pikemen with a good Pike wel headed, Corselet, head peece, sword & snapsack, the Musquetiers with a good fixed musquet, not under Bastard Musquet bore, nor under three foot nine inches in length, nor above four foot three inches long, with a priming wire, worm, scourer and mould, fitted to the bore of his Musquet, also with a good sword, rest, Banaeleres, one pound of powder, twenty bullets, and two fathom of match, upon the penalty of ten shillings for every defect; And all other Inhabitants of this Jurisdiction, except Magistrates & Elders of Churches, the Pressident, Fellowes and Students of Harvard Colledg, shall alwaies be provided of Armes, & furnished as aforesaid under the penalty aforesayd."

"Troops of horse" were not to exceed 70, besides the officers. "And every Trooper shall keep alwayes a good Horse, and be wel fitted with Saddle, bridle, holsters, Pistols or Carbines and sword."

Field artillery would not have been of much use, but provision was made for artillery in forts and batteries.

There were forts at important points. Every town was required to be provided with a "watch-house" and a sufficient supply of powder, bullets and match.

The garrison houses were the places of rendezvous

[1] Col. Laws 1660–1672, p. 177.

in case of expected attack, to which all living near them resorted. Sometimes they were built for that purpose; at other times they were built as dwelling-houses, but so constructed that they could be used as garrison houses if necessary. Some of them are still in existence. One at Sudbury, the Walker garrison, is described by Mr. Hudson[1] as "a curious structure, with massive chimney, large rooms, and heavy framework. It is lined within the walls with upright plank fastened with wooden pins."

Military watches or sentinels were set at suitable places when danger was apprehended. An alarm was given by the sentinel "discharging his musquet and crying Arm! Arm!!" A general alarm was given by "either the distinct dischage of three Musquets or the continued beat of the Drum or firing a beacon or the discharge of a peece of Ordinance, and two musquets after it, any of which in the night, shall be accounted a generall Alarme, which every souldier is immediately to answer by repairing Armed to his Colours, or Court of guard, upon the penalty of five pounds."[2]

Training fields were usually set apart out of the common lands. The one at Sudbury contained nine acres.

Muster days were appointed, varying in frequency at different periods. By the militia law contained in the revision of 1660, the foot soldiers were to muster eight days and the troopers six days in each year. When there had ceased to be any actual danger it is

[1] *History of Sudbury*, 199.

[2] Col. Laws, 1660-1672, p. 179–80.

probable that the training day became the occasion for festivities and a slight relaxation from the rigid deportment of ordinary social life.

The stories told of the life of the settlers, especially those on the frontier, during the wars with the Indians, and particularly during King Philip's war, are too familiar to justify extended repetition. Mr. Hudson[1] records an incident which graphically illustrates the life of the pioneer in those days.

"The 26th of March, 1676, being the day for public worship, arrived. 'No rude alarm of raging foes' disturbed the quiet of that Sabbath morning. The people assembled at the house where prayer was wont to be made, and a fervent petition had been offered for their safety and protection. A hymn of praise had been sung. Their spiritual leader, the Rev. Mr. Brimsmead, commenced his sermon and was dispensing to them the word of life when he was interrupted by the appalling cry 'The Indians are upon us.' The confusion and dismay which ensued can be better imagined than described. The assembly instantly broke up, and the people made for the neighboring garrison, where, with a single exception, they all arrived in safety, just in season to elude the savage foe."

But thirteen of their dwellings and eleven barns and their meeting-house were burned, their fruit trees deadened, and their farms laid waste.

Even when no war was in progress, the apprehension of it, for many years, weighed upon settlers on the frontier and gave rise to gloomy forebodings. A distant smoke, a strange foot-print, some unusual event, interpreted by the superstitious as a "sign,"

[1] *History of Marlborough*, p. 73.

sufficed to make the bravest man anxious and the mother to hug her babe closer to her breast.

We gather from the old town records something about the public enterprises which engaged the attention of the early colonists, the building of meeting-houses, roads, bridges, pounds, and such other matters as would be likely to demand attention of those who had settled in a wilderness.

There were a few millers, carpenters, smiths, and other artisans who pursued their vocations. Lumber and staves were manufactured, as the forests were cleared, and the pines yielded some tar. But the great mass of the community on the frontier tilled the soil. In the early periods, when it was necessary to guard the fields against the invasion of wild beasts or Indians, it was usual to have common planting grounds, which some tilled while others stood guard.

The staple crops were Indian corn, rye, barley, wheat, hay and oats, and some flax and hemp.

Little of the produce of foreign markets was bought in the frontier settlements. What little machinery there was, was of the rudest pattern. Almost everything in the way of farm implements and household furniture and clothing that was used was made by hand and was made at home.

When the weather and the season permitted it, the father and his boys found work in the forests or in the fields. When they could not do this, they were making or repairing farm implements or other articles of household use. The mother and her daughters were doing the household work and making or mend-

ing the clothing for the family. The ringing of ax and hammer answered the hum of the spinning-wheel; all were busy; there were no idlers.

The dwelling-houses were simple and their furniture scant. Still they were busy hives of industry. Mr. Sheldon[1] has given us this exquisite picture of an "Evening at Home" in one of these frontier dwellings:

"The ample kitchen was the center of family life, social and industrial. Here around the rough table, seated on rude stools or benches, all partook of the plain and sometimes stinted fare. A glance at the family gathered here after nightfall of a winter's day may prove of interest. After a supper of bean porridge, or hasty-pudding and milk which all partake in common from a great pewter basin, or wooden bowl, with spoons of wood, horn or pewter; after a reverent reading of the Bible, and fervent supplication to the Most High, for care and guidance; after the watch was set on the tall mount, and the vigilant sentinel began pacing his lonely beat, the shutters were closed and barred, and with a sense of security, the occupations of the long winter evening began. Here was a picture of industry, enjoined alike by the law of the land, and the stern necessities of the settlers. All were busy. Idleness was a crime. On the settle, or a low arm chair, in the most sheltered nook, sat the revered grandam—as a term of endearment called granny—in red woolen gown, and white linen cap, her gray hair and wrinkled face reflecting the bright firelight, the long stocking growing under her busy needles, while she watched the youngling of the flock, in the cradle by her side. The good wife, in linsey woolsey short-gown and red petticoat, steps lightly back and forth in calf pumps, beside the great wheel, or

[1] *History of Deerfield*, Vol. 1, pp. 279–281.

poising gracefully on the right foot, the left hand extended with the roll or bat, while with a wheel-finger in the other she gives the wheel a few swift turns for a final twist to the long-drawn thread of wool or tow. The continuous buzz of the flax wheels, harmonizing with the spasmodic hum of the big wheel, shows that the girls are preparing a stock of linen against their wedding day. Less active and more fitful rattled the quill wheel, where the younger children are filling quills for the morrow's weaving.

"Craftsmen are still scarce, and the yeoman must depend largely on his own skill and resources. The grandsire, and the goodman, his son, in blue woolen frocks, buckskin breeches, long stockings, and clouted brogans with pewter buckles, and the older boys, in shirts of brown tow, waistcoat and breeches of butternut-colored woolen homespun, surrounded by piles of white hickory shavings, are whittling out with keen Barlow jack-knives implements for home use; ox-bows and bow-pins, ax-helves, rakestales, forkstales, handles for spades and billhooks, wooden shovels, flail staff and swingle, swingling knives, or pokes and hog yokes for unruly cattle and swine. The more ingenious perhaps, are fashioning buckets, or powdering tubs, or weaving skepes, baskets or snow shoes. Some, it may be, sit astride the wooden shovel, shelling corn on its iron-shod edge, while others are pounding it into samp or hominy in the great wooden mortar.

"There are no lamps or candles, but the red light from the burning pine knots on the hearth glows over all, repeating in fantastic pantomime on the brown walls and closed shutters the varied activities around it. These are occasionally brought into a higher relief by the white flashes, as the boys throw handfuls of hickory shavings on to the forestick, or punch the backlog with the long iron-peel, while wishing they had 'as many shillings as sparks go up chimney.' Then, the smoke-stained joists and boards of

the ceiling, with the twisted rings of pumpkin, strings of crimson peppers, and festoons of apple, drying on poles hung beneath; the men's hats, the crook-necked squashes, the skeins of thread and yarn hanging in bunches on the wainscot; the sheen of the pewter plates and basins, standing in rows on the shelves of the dresser; the trusty firelock, with powder horn, bandolier and bullet pouch, hanging on the summertree, and the bright brass warming pan behind the bedroom door—all stand revealed more clearly for an instant, showing the provident care for the comfort and safety of the household. Dimly seen in the corners of the room are baskets, in which are packed hands of flax from the barn, where, under the flaxbrake, the swingling knife and coarse hackle, the shives, and swingling tow have been removed by the men; to-morrow the more deft manipulations of the women will prepare these bunches of fibre for the little wheel, and granny will card the tow into bats, to be spun into tow yarn on the big wheel. All quaff the sparkling cider, or foaming beer, from the briskly circulating pewter mug, which the last out of bed in the morning must replenish from the barrel in the cellar."

In so busy a community as that of the early frontier towns, there was little time for play or mere amusement. But it must not be inferred that there was an unbroken monotony of endless work. There were the lecture days, and election days, and muster days, when the people came together and enjoyed a brief respite from hard labor. The town meetings also afforded opportunity for social intercourse and the excitement of debate from which our forefathers gleaned pleasure as well as profit. Much of the work that was done was relieved of some of its hardships by the friendly aid and social concourse of

neighbors, as at the clearings, house-raisings, corn-huskings and other similar gatherings.

Sudbury was the 19th town in the colony. It was settled in 1638 and was one of the places destroyed by the Indians in King Philip's war. Its early history is probably much like that of all the other frontier towns. Mr. Hudson,[1] after describing the various matters that occupied the attention of the early settlers there, mentions a few others that helped to alleviate the hardships of the life of the early settlers:

"Besides these experiences there were others that would tend to break up the monotony of the settlers' experience, such as 'log-rollings,' when the neighbors collected together and helped clear the land of logs and brush; house-raisings, where many joined hands to help raise the heavy frames; road-breaking, when, with ox-teams, they cleared the snow from the path; corn-planting, in the common fields, or huskings, when the corn was gathered; these with town-meetings and an occasional drill of the train-band, when Bryan Pendleton exercised his little host, would serve to break up the monotony and enliven the scene at the settlement."

Notwithstanding the difficulties and dangers under which they labored, the results of Puritan industry and thrift were plainly visible in the frontier settlements at the beginning of King Philip's war. Numerous villages dotted the landscape, and around them were well cultivated farms with fruitful orchards, comfortable houses, well filled barns and an abundance of stock.

[1] *History Sudbury*, p. 82.

We have evidence of what had been accomplished in the frontier settlements up to the date of King Philip's war in the early town and probate records, which show the growth of population, the ratings for taxation and the valuation of the estates of decedents. Thomas Eames, of Framingham, whose property was nearly all destroyed by the Indians in King Philip's war, petitioned the General Court for relief, and his petition was accompanied by an inventory of his loss, which gives us a fair idea of the kind and value of the property of a prosperous farmer of that period. The inventory is as follows:[1]

"An inventory of the loss of Thomas Eames, when his house was fired by Indians at Framingham near unto Sudbury, in the county of Middlesex, the first of February, 1675–6:

Imprimis—A wife and nine children.

Item—A house 34 feet long, double floores, and garret, and cellar, and a barn 52 foot long, leantir'd one side and two ends £100.00 00

It. 4 oxen 024.00 00

It. 7 cows, fair with calf 028.00 00

It. 2 yearlings 003.00 00

It. 1 bull 002.00 00

It. 2 heifers, fair with calf 006.00 00

It. 1 heifer 002.00 00

It. 8 sheep, fair with lamb 003.12 00

It. 30 loads of hay in ye barn at 8s. per load. 012.00 00

It. 10 bush. wheate, at 6s. p. bush. 003.00 00

It. 40 bush. rye, at 4s. 8d. p. bush. 008.00 00

It. 210 bush. of indian, at 3s. p. bush. 031.00 00

It. Hemp and flax, in ye barne 001.00 00

[1] Barry's *Hist. of Framingham*, p. 27.

It. Fire arms, with other arms and ammunition	£006.00 00
It. Butter 20s., cheese 40s., 2 barrels and a half Pork, and 4 flitches of bacon 10 lb.	013.00 00
It. Carpenter's and joyner's tooles	005.00 00
It. 2 great spinning wheeles and 2 small wheeles, 4s., 4 for cards	001.00 00
It. 6 beds, 3 of them feather beds, and 3 flock, 6 Ruggs, 12 blankets	005.00 00
It. 1 chest of lynen with ye sheets and shifts.	010.00 00
It. A livery cupboard with what was in it	002.00 00
It. My wife's lynen and wearing apparel, and children's cloathing, and my own cloathing, with clothing that was my former wife's	025.00 00
It. Pewter, brasse, and Iron ware	014.00 00
It. Churns and other dairy vessells, with other wooden lumber	005.00 00
Total	330.12.00''

Even at this day, after all that has been said about the austere life of the Puritans and the sympathy that has been wasted upon their gloomy surroundings and the absence of "child life," it is not susceptible of proof that the community would have been better off in any way, or that the people and their children would have been happier, if they had devoted to card-playing and horse-racing and other pastimes any considerable portion of the time which they employed in useful pursuits.

Much that the settlers on the frontier had accumulated was swept away during King Philip's war. But after its close they immediately set to work to

restore their shattered fortunes, with the same energy that had characterized their efforts in the beginning.

During all this period, while undergoing the arduous and incessant trials and dangers of frontier life, the men on the frontier did not fail to attend closely to the moral and intellectual needs of the communities which they had founded, and invariably almost their first care, after they had provided a shelter for themselves, was to establish churches and schoolhouses.

Nor were they intimidated by the dangers which beset them. Indeed these very dangers seemed to have a fascination that lured them on. They were constantly pushing into the wilderness and setting the outposts of civilization farther and farther away. A hundred years after the end of the commonwealth the descendants of the Massachusetts Puritans, under the lead of Gen. Rufus Putnam, boldly plunged into the far distant western wilderness, and at Marietta, on the banks of the Muskingum, stamped upon the Northwest Territory the impress of New England civilization.

VIII

THE PURITAN SABBATH

A GREAT deal has been written about the Sabbath in New England and the manner in which the day was observed, the meeting-houses, the ministers and other kindred topics.[1]

The Sabbath or Lord's day practically began at sundown on Saturday night, and, in order to make "due preparation for the Sabbath," persons were forbidden, after sunset, "to walk & Sport themselves in the streets or fields," or to be "in any house of publick entertainment (unless strangers or Sojourners in their Lodgings)." This prohibition seems to have been specially aimed at "youths" and "mayds."[2]

In the most beautiful of all his poems Burns tells of the "Cotter's Saturday Night," the gathering together of the "bairns," the affectionate family greetings, the father's admonition:

"Their master's an' their mistress's commands,
The younkers a' are warned to obey;
An' mind their labours wi' an eydent hand,
An' ne'er, tho' out o' sight, to jauk or play:

[1] See Alice Morse Earle's, *The Sabbath in Puritan New England; The New England Meeting-House and the Wren Church*, by A. R. Willard, 1 New Eng. Mag. N. S., p. 497; *The Puritan Minister*, by T. W. Higginson, 12 Atl. Month. 269.

[2] Col. Laws, 1660–1672, p. 190.

'An' O! be sure to fear the Lord alway!
An' mind your duty, duly, morn an' night!
Lest in temptation's path ye gang astray,
Implore His counsel and assisting might:
They never sought in vain, that sought the Lord aright.'"

Then the frugal supper that "crowns their simple board," and after that the Bible lesson:

"'The cheerfu' supper done, wi' serious face,
They, round the ingle, form a circle wide;
The sire turns o'er, wi' patriarchal grace,
The big ha'-Bible, ance his father's pride;
His bonnet rev'rently is laid aside,
His lyart haffets wearing thin and bare;
Those strains that once did sweet in Zion glide,
He wales a portion with judicious care;
And 'Let us worship God!' he says, with solemn air."

And then the prayer:

"'Then kneeling down, to Heaven's Eternal King,
The saint, the father, and the husband prays;
Hope 'springs exulting on triumphant wing,'
That thus they all shall meet in future days:
There ever bask in uncreated rays,
No more to sigh, or shed the bitter tear,
Together hymning their Creator's praise,
In such society, yet still more dear:
While circling time moves round in an eternal sphere."

And then the retiring for the night:

"'Then homeward all take off their sev'ral way;
The youngling cottagers retire to rest:
Their parent-pair their secret homage pay,
And proffer up to Heaven the warm request,

That He, who stills the raven's clam'rous nest,
And decks the lily fair in flow'ry pride,
Would, in the way His wisdom sees the best,
For them and for their little ones provide;
But, chiefly, in their hearts with grace divine preside."

With honest pride the poet says:

"From scenes like these, old Scotia's grandeur springs,
That makes her lov'd at home, rever'd abroad:
Princes and lords are but the breath of kings,
'An honest man's the noblest work of God';
And certes, in fair virtue's heav'nly road,
The cottage leaves the palace far behind;
What is a lordling's pomp? a cumbrous load,
Disguising oft the wretch of human kind,
Studied in arts of Hell, in wickedness refin'd!"

Nearly all this might apply in describing Saturday night in an early New England household. But some of the most charming passages in the poem would not apply, those in which the poet describes the coming of the bashful swain to woo the cotter's daughter,

"Their eldest hope, their Jenny, woman grown,
In youthfu' bloom, love sparklin' in her e'e."

"Wi' kindly welcome, Jenny brings him ben;
A strappan youth; he taks the Mother's eye;
Blythe Jenny sees the visit's no ill ta'en
The Father cracks of horses, pleughs and kye.
The youngster's artless heart o'erflows wi' joy,
But blate, an' laithfu', scarce can weel behave;
The Mother, wi' a woman's wiles, can spy
What makes the youth sae bashfu' and sae grave;
Weel pleas'd to think her bairn's respected like the lave."

We would not lose our own Priscilla, nor part with the exquisite poem that tells of the wooing of John Alden. At the same time we can all rejoice that the Scottish maid lived in Presbyterian Scotland, for, if she had lived in Puritan Massachusetts, there would have been no Saturday night "courting," and one of the most beautiful of Scottish poems would have lost its sweetest charm. When the shades of Saturday night fell upon the Massachusetts commonwealth, all work, all traveling, all merriment, had ceased. They fell upon a land where all was hushed and quiet, upon a people giving themselves up, whether willing or unwilling, to but one thought—the preparation for the Lord's Day.

From sunrise to sunset of the Lord's Day there was scarcely anything lawful to be done except to go to church. No "servile" work was to be done, and "uncivilly walking in the streets and fields, travailing from town to town, going on Ship-board, frequenting common houses, and other places to drink, Sport, or otherwise to mispend that precious time," were expressly forbidden.[1]

Some of the ministers seem to have had doubts as to whether it was lawful to be born on that day, for we hear of one who had such conscientious scruples on the subject that he refused to baptize children "which were so irreverent as to be born on the Sabbath." But he was a bachelor. Another, afflicted with like conscientious scruples, was effectually cured by having twins born to him on the Sabbath.[2]

Absence from church service without just and

[1] Col. Laws 1662–1670, p. 189–190.

[2] Hudson's *Hist. Marlborough*, 51.

reasonable cause was a finable offense.[1] And, in order to prevent any shirking, the constables were specially enjoined on the Lord's Day to "duely make search throughout the limits of their Townes" for absentees, and, during the time when services were being held, "all Taverners, Victuallers and Ordinaries, that are within one Mile of the Meeting-house," were required to "Cleer their houses of all persons able to go to meeting."[2]

In their pious fervor for the observance of Sunday the towns were enjoined "to restraine all Indians that shall come into their townes from Prophaning the Lords Day." One Sunday during King Philip's war the Indians went to church at Marlborough but they left the meeting-house in ashes. Such is the irony of fate. Who can tell what thoughts lurked in the deep recesses of the savage mind? Of those who stood by the burning pile perhaps there may have been some who had been compelled to go there to hear the Rev. Mr. Brimsmead preach and to sit there for hours, watching the turning over of the hour-glass and waiting for the sermon to come to an end. Perhaps some of them had been put in the stocks because they would not go to church. If so, it is not improbable that the recollection of their sufferings may have added to the zeal with which they plied the flaming torch.

None of the laws were more rigorously enforced than those intended to prevent the "prophaning" of the Lord's Day. The old records are full of convictions for violation of them and sentences of the

[1] Col. Laws 1662–1670, p. 148.
[2] Col. Laws 1660–1672, p. 166.

culprits to be fined, whipped, or set in the stocks. Miss Earle relates[1] how "Captain Kimble, of Boston, was in 1656 set for two hours in the public stocks for his 'lewed and unseemly' behaviour, which consisted in his kissing his wife 'publicquely' on the Sabbath Day, upon the door step of his house, when he had just returned from a voyage after an absence of three years." But here the Captain had been guilty of a double offense; he had not only "prophaned" the Lord's Day, but he had kissed his wife in public, and such flagitious conduct was too shocking to be winked at. He was lucky to get off with an hour only for each offense.

The meeting-house was a prominent feature in every town. The oldest church in New England, which has continously been used for that purpose, is said to be the one at Hingham, Mass. It was built in 1681.[2] The first meeting-houses were simple structures. They served in early times not only as places for holding religious services, but as town houses for transacting the business of the town. These were gradually superseded by square wooden buildings, surmounted with a belfry, if the congregation could afford a bell. Usually in front of the meeting-house were placed the public stocks and the whipping post.

Until long after the commonwealth period there were no fires of any kind in the meeting-houses, but foot-warmers were used by those who could afford them. The Hingham church was not heated until nearly one hundred and fifty years after it was built,

[1] *The Sabbath in Puritan New England*, p. 247.

[2] A. R. Willard in 1 New Eng. Mag., Vol. 1, N. S. 497.

and no stove was used in it until 1822. No stove was put in the meeting-house at Deerfield until 1808.

It is not improbable that the story told by the Rev. Henry Ward Beecher about the introduction of a stove in the church at Litchfield, Conn., would apply with some variations to other localities. The story is that the next Sunday after the stove was set up in the church happened to be a warm day and no fire was lighted. But one good lady, a deacon's wife, who was violently opposed to the introduction of the stove *thought* that there was fire in it, and she became so overheated by her own imagination that she fainted and had to be carried out of the church. A little later a member who was greatly in favor of stoves came in. He, too, *thought* there was a fire in the stove, and he made straight for it and stood before it, carefully disposing the skirts of his great coat to avoid getting them scorched, and warming his hands with great and evident satisfaction. This was too much for even the most Puritanical congregation, and, for the moment, it lost all its wonted gravity and decorum.

The pulpits were usually nothing more than high desks. On them stood an hour-glass which was turned as occasion required. Sometimes a sounding-board hung over or behind the pulpit. In front of the pulpit were the seats for the elders and in front of these the seats for the deacons. The pews in the first meeting-houses were rude benches and were not cushioned.

After the construction of the meeting-house the next thing was to assign the seats among the congregation. This was called "seating the meeting-house"

and was done by a committee with scrupulous regard to the rank and wealth of the members of the congregation. This made it necessary also to "dignify the meeting-house," that is to affix the relative rank or dignity of the seats. This was a most important matter. Sometimes a town meeting was called and "seaters" were chosen. Thus at Deerfield in 1701, five seaters were chosen and then the meeting proceeded to vote:

"That ye fore seat in ye front Gallery shall be equall in dignity with ye 2nd seat in ye Body of ye meeting house

"That ye fore seats in ye side Gallerys shall be equall in dignity with ye 4th seats in ye Body of ye meeting house.

"That ye 2nd seat in ye front Gallery and ye hinde seat in ye front Gallery shall be equall in dignity with ye 5th seat in ye Body of ye meeting house," etc.[1]

Of course the chief of the officials in the church organization was the minister. Mr. Higginson's description of the "Puritan minister" is so graphic and complete that it would be vain to attempt to add to it. Sometimes the minister had an assistant who read and expounded the Bible selection preceding the sermon.

If a visiting minister preached, the ruling elder, after the singing of the Psalm, made the announcement in this wise: "If this present brother hath any word of exhortation for the people at this time, in the name of God let him say on."[2]

[1] Sheldon's *His. Deerfield*, Vol. 1, p. 205. In the same volume is given a plan, adopted at a later date, showing the relative "dignities" of the seats.

[2] Hutchinson, Vol. 1, p. 376.

To preach a sermon not composed by the preacher himself was considered a far more heinous offense than it is now. Nor was the preacher allowed to use any notes "for the helpe of his memory, for such things they say smell of Lamp Oyle, and there must be no such unsavery perfume admitted to come into the congregation."[1]

There was one official who, during the religious services, stood next to the minister, in importance, if not in rank. That was the tithing-man, who on the Sabbath acted as a sort of church policeman.[2] It would be a great mistake to suppose that he was a superfluous church ornament. It was his special province to look after the sleepers and the boys. The prayers were sometimes long and so were the sermons, and not infrequently, but especially on a hot day, their soporific qualities were such as to put some of the congregation to sleep. Then the tithing-man went around vigorously poking the male snorers with his tithing rod. But sometimes a tithing-man was gentle or gallant enough to fasten a foxtail or a hare's foot or a feather on one end of the rod and with this he softly brushed the faces of the fair sex and brought them from the realm of dreams to a realization of the solemn truths which the minister was laboring to expound.

But to the boys, tucked away in the galleries and on the pulpit steps, the tithing-man was an awful and awe-inspiring personage. The plaint of some modern writers is calculated to convey the idea that their somber surroundings had sapped all the characteris-

[1] Morton *New English Canaan*, p. 115; Force's Hist. Tracts, Vol. 2.
[2] Hudson's *Hist. Marlborough*, 241.

tics of childhood out of the Puritan boys. This is largely exaggeration. The Puritan boys were strong, active, healthy, smart, and full of vitality, and there is abundant evidence that it required the most heroic exertions of the church officials to keep them in subjection. But woe unto the boy who chanced to turn his gaze for a moment from the pulpit to a cunning little fly crawling on the wall, or a stray butterfly flitting across the church. Instantly the dreadful tithing-man pounced down upon him, and, with a sharp rap over the head with the hard end of his rod, taught him the sinfulness of inattention with such emphasis that the lesson was not likely to be soon forgotten.

Until the congregation became able to afford a bell it was summoned by the beating of a drum or the blowing of a horn. On the frontiers, whenever there was any ground for apprehending danger of an attack by the Indians, the men went to church fully armed.

When the people arrived at the meeting-house the men took seats on one side and the women on the other. The boys were seated upon the steps of the pulpit or in the gallery. The services were usually conducted in the following order: first there was a prayer by the minister; then the minister or the teaching elder read and explained a chapter from the Bible; then followed the singing of a psalm which was lined out by the ruling elder, and next the sermon; after the sermon there was another prayer and then the benediction.[1]

[1] See Lechford's *Newes from New Eng.*, 3 Mass. His. Coll., 3d Ser., 76.

It is doubtful if instrumental music of any kind was in general use in the church services during the commonwealth period. Fiddles seem to have been the first musical instruments introduced into the church music, but strenuous opposition was manifested to this innovation, and we hear of one instance where the qualms of the congregation were pacified only by playing the fiddle upside down.

Judge Sewall visited England in 1695, and, while there, attended church, but was much disturbed by the organ. He writes: "I am a lover of musick to a fault, yet I was uneasy there; and the justling out of the Institution of Singing Psalms, by the boisterous Organ, is that which can never be justified before the great master of Religious Ceremonies."[1]

Before the introduction of the "Bay Psalm Book" the singing was probably from the version of the Psalms by Ainsworth or that of Sternhold and Hopkins. But in 1640 the "Bay Psalm Book," the production of several of the ministers, was printed and was in general use for a hundred years. The following version of the first and second verses of the first Psalm will give some idea of the poetry.

1 O blessed man that on the advice
of wicked doeth not walk
nor stand in sinners way nor sit
in chayre of scornful folk.

2 But in the law of Jehovah
is the longing delight
and on his law doth meditate
by day and eke by night.

[1] Sewall's *Letters*, Vol. 1, p. 155.

Of course it must have required a great deal of piety to endure such poetry. It devolved on some one to set the tune, and this was not always an easy task, especially with such psalms as were in use. With the accurateness and simplicity which characterize all the entries in his diary, the good Judge Sewall several times records the distressing dilemma in which he found himself when he could get no one else to set the tune, and was obliged to set it himself:

"Feb 2 Lords Day. In the Morning I set York Tune and in the 2d going over the Gallery carried it irresistably to St. Davids, which discouraged me very much. I spake earnestly to Mr. White to set it in the Afternoon but he declines it."

And again:

"Sabbath, Oct. 25. Capt. Frary's voice failing him in his own Essay, by reason of his Palsie, he calls to me to set the Tune, which accordingly I doe; 17, 18, 19, 20, verses 68th Psalm, Windsor Tune; After the Lord's Supper, 6, 7, 8, 9, verses 16th Low-Dutch. P. M. 2½ staves of 141. Ps. St. Davids, Jehova, I upon Thee call. After Evening Exercise, 2d part 84th Ps. Litchfield; I knew not that had the Tune till got to the 2d Line, being somewhat surprized, though design'd that Tune. I would have assisted Capt. Frary but scarce knew what Tune he design'd; and the Tune I guess'd at, was in so high a Key that I could not reach it."[1]

Sometimes there was a small building near the meeting-house, called the "noon-house," where such of the congregation as resided at a considerable dis-

[1] Sewall's *Papers*, Vol. 3, p. 164, 1 *id.* 351.

tance from the meeting-house could go during the noon intermission and eat their dinners and warm themselves if the weather was cold. After dinner services were had of the same kind as before. At the end of the afternoon service the collection was taken up—the method of which is thus described by Lechford.[1]

"Which ended, follows the contribution, one of the Deacons saying, 'Brethren of the congregation, now there is time left for contribution, wherefore as God hath prospered you, so freely offer.' Upon some extraordinary occasion, as building and repairing of Churches or meeting-houses, or other necessities, the Ministers presse a libberall contribution, with effectuall exhortations out of Scripture. Then Magistrates and chiefe Gentlemen first, and then the Elders, and all the congregation of men, and most of them that are not of the Church, all single persons, widows and women in absence of their husbands, come up, one after another, one way, and bring their offerings to the Deacon at his seate, and put it into a box of wood for the purpose, if it bee money, or papers; if it be any other chattle they set it or lay it downe before the Deacons, and so passe another way to their seats againe. This contribution is of money or papers promising so much money. I have seene a faire gilt cup with a cover, offered there by one, which is still used at the Communion. Which moneys and goods the Deacons dispose towards the maintenance of the Ministers and poore of the Church and the Churches occasions, without making account, ordinarily."

The religious services having been concluded, the congregation dispersed and the members wended

[1] *Newes from New England;* Mass. Hist. Coll., 3 Ser., Vol. 3, p. 77. See also Josselyn's *Two Voyages*, p. 180.

their way to their respective homes—returning as they had gone, on horseback and on foot, sometimes traveling midst howling wintry blasts through miles of unbroken forests, crossing swollen streams, trudging through deep and trackless snows, the man with rifle in hand and ear alert for savage foes, the mother hugging to her breast her babe; such was church-going in the times of our forefathers and such were the men and women who went to church!

IX

EDUCATION, BOOKS AND LITERATURE

In 1642, before schools were provided by law, it was enjoined upon the selectmen to see that none of their brethren and neighbors "shall suffer so much barbarism in any of their families as not to endeavour to teach, by themselves or others, their children & apprentices, so much learning, as may enable them perfectly to read the english tongue & knowledg of the Capital laws."[1] In 1654, towns having 50 householders were required to establish schools for teaching children to "Write & Read," and in towns of 100 householders they were required to "set up a Grammar school, the Master thereof, being able to instruct youth so far as they may be fitted for the Uneversety." The selectmen in each town were admonished to see that no teachers were employed "that have manifested themselves unsound in the faith, or scandalous in their lives & have not given satisfaction according to the Rules of Christ."[2]

The General Court in 1636 "agreed to give £400 towards a schoale or colledge, whearof 200 £ to bee paid the next yeare, & 200 £ when the worke is finished, & the next Court to appoint wheare & what building." At the next General Court "The colledg

[1] Col. Laws 1660–1672, p. 136.
[2] Col. Laws 1660–1672, p. 191.

is ordered to bee at Newetowne," afterward called Cambridge, and in 1638, it was ordered "that the colledge agreed upon formerly to bee built at Cambridg shalbee called Harvard Colledge."[1] This was the beginning of Harvard College, which subsequently continued to receive the favor and support of the General Court. Mr. Fiske well says:[2]

"The act was a memorable one, if we have regard to all the circumstances of the year in which it was done. On every side danger was in the air. Threatened at once with an Indian war, with the enmity of the home government and with grave dissensions among themselves, the year 1636 was a trying one, indeed, for the little community of Puritans, and their founding a college by public taxation, just at this time, is a striking illustration of their unalterable purpose to realize in this new home their ideal of an educated Christian society."[3]

There was a book-store in Boston as early as 1652, and in 1686 there were eight such stores. The ministers were the best customers, and it is to be presumed that most of the books sold were of a religious character.

There were some extensive private libraries. John Dunton, a London bookseller, who visited Cotton Mather in 1686, about the time when he was finishing his "Magnalia," speaks of his library as "very

[1] Mass. Rec., Vol. 1, pp. 183, 208, 253.

[2] *Beginnings of New Eng.*, 111.

[3] Hutchinson, Vol. 1, p. 444, gives "The Theses of the First Class of Graduates at Harvard College in 1642," together with the Latin names of the nine graduates, viz: Benjamin Woodbrigius, Georgius Downingus, Gulielmus Hubbardus, Henricus Saltonstall, Johannes Bulkleius, Johannes Wilsonus, Nathaniel Brusterus, Samuel Bellinghamus, Tobias Bernardus.

large," but adds a mild criticism of the "Magnalia," which now commands universal assent, that "had his books been fewer when he writ his history 'twould have pleased us better." Of the kinds of books contained in the libraries of those days we may get some idea from the account given by Mr. Weeden[1] of the library of John Winthrop:

"His library of 269 titles is preserved in the alcoves of the Society Library in New York. Some of the titles are interesting; there are a few Latin classics and no Greek; in English there are many works on the occult philosophy and many on medicine, Winthrop practiced it extensively. We find Cornelius Agrippa, Aristotle, Aquinas, Erasmus. Grotius, in 12mo, on 'True Religion'; Machiavelli, '*Contra Tyrannos*,' in 18mo, was hardly as useful in the new colony as Blundevill on Horses. An abridgement of Coke helped out Godwyn's 'Civil and Ecclesiastical Rites of the Hebrew'; Jamblichus with *Lullie Raymundi*, alternate with Sir George Mackenzie on 'Moral Gallantry.' Two books by Melancthon; none by Luther; three by Paracelsus, one containing a note of Winthrop's; a few on mathematics. Flammel on the 'Philosopher's Stone,' etc., is a type of many volumes. Pascal is represented by '*Les Provinciales*,' in 12mo, William West, 4to, London, 1598, on 'Symboleography,' was easier to seventeenth century readers than to us. Astrology is well represented cheek by jowl with anti-papal and theological treatises. Scudey, '*Curia Politiae*.' William Potter's 'Key to Wealth', a folio tract of 1650, we shall hear of again."

In the Proceedings of the Massachusetts Historical Society[2] is given a catalogue of Elder Brew-

[1] *Economic and Social History of New Eng.*, Vol. 1, pp. 230–1.
[2] Vol. 5, 2d Ser., pp. 37–85.

ster's library, as contained in an inventory taken in May, 1644, and recorded in Plymouth colony "Book of Wills." The communication is by Dr. Dexter, who says that the library contained in all 400 separate books, of which 393 were separately catalogued; of these there were 48 folios, 177 quartos, 121 octavos. There were in Latin, 62; in English, 302. Classified according to subjects, there were 98 expository, 63 doctrinal, 69 practical religious, 24 historical, 36 educational, 6 philosophical, 14 poetical, 54 miscellaneous.

Judge Sewall was a great buyer of books and gave many of them to his friends. One of his letters, written to Mr. John Love of London in 1700, gives us some idea, not only of his books, but of the cost of them. In this letter he directs Mr. Love

"To call upon my good friend and Neighbour Mr. Edward Bromfield for the money, which is in a little Linen Purse marked with Ink J. L. The contents inclosed, and are Gold Four arabian pieces, One double pistoll, Two Single ditto, One Lewi dore, Five Guineas; One broad piece of Charles the first. Have also inclosed a Bill of Exchange for Nine pounds, Six shillings and Seven pence drawn by a young merchant, Mr. James Taylor, on Mr. Samuel Whitfield. The books I would have bought are

"Ars Cogitandi. 2.

"Le Grands Philosophy, Latin.

"Heerboordi Meletomata. 3.

"Dr. Charletons Physiologia.

"Dr. Moors Imortality of the Soul.

"Metaphysicks, Ethicks.

"Glanvils Sceptis Scientifica.

"Dr. Wilkin's nattural Principles, and Duties. His World in the Moon.

"Stallius his Regulae Phylosophicae.

"Stierij Questiones Physicae cum Praeceptis Philosophiae.

"Burgerdicius, Logick with Heerebords Notes.

"The great Hist. Geographical, and Poetical Dictionary being a curious Misscellany of Sacred and Prophane History printed at London for Henry Rhodes. If there be an Edition since 1694, Send the best Two of them.

"Francis Turretini Institutio Theologiae Elencticae in tres partes distributiae 4to.

"Turretini Disputationes de satisfactione Christi. 4to.

"Poles [Poole, M.] Synopsis criticorum in five volumes, if light on them a peniwoth.

"A K. Edward 6th, his Common Prayer Book, of Queen Eliz. The Queens Bible, If it can be had any thing reasonable."[1]

In the same letter he says:

"I know not exactly what the Books will come to. If the Money doe more than hold out, send in School Books; Esops Eng. and Lat, Corderius Eng. and Lat., Terrence Eng. and Lat., Ovid de Tristibus, Metamorphosis, Virgil, Tullies de Officijs, Grammars, constr[u]ing Books."

In a subsequent letter, written on July 1st following, he says:

"I writt to you of the 10th of June, to buy a few Books for me. I would have you add to them I particularly mentiond, A Narrative of the Portsmouth Disputation between Presbyterians and Baptists at Mr. Williams's Meetinghouse, Bp of Norwich's Sermon of Religious Melancholy. Amintor, a Defence of Milton, with Reasons for abolishing the

[1] Sewall's *Letters*, Vol. 1, p. 237.

30th January; Two of them. Account of the first Voyages into America by Barthol. de las Casas; Two of them. Account of a Jew lately converted, and baptised at the Meetinghouse near Ave-Mary-Lane; Four of them."

In order that the government might exercise supervision over the printing, licenses to print were required in 1662, and in 1664 an order was made, which continued for ten years, that there should be no printing except at Cambridge.

"According to the best information to be obtained," says Mr. Winsor,[1] "it appears that, during the fifty years which passed from the setting up of the first press in New England to the close of the Colonial Period, there were issued in Boston and Cambridge something over three hundred separate publications. Of these nearly two-thirds were expositions of religious belief or writings in defence of dogmas or aids to worship." The remainder consisted chiefly of laws, official publications, almanacs, educational books, and other publications which do not belong to the domain of literature.

Some of the books printed were reprints, such as Bunyan's "Pilgrim's Progress." Some were the productions of home authors. Increase Mather wrote about fifteen of the books printed by John Foster the first Boston printer.

As already stated, only a small percentage of the books composed by the colonists during the commonwealth period can be classed as belonging to general literature. There were a few historical works,

[1] *The Literature of the Colonial Period*, 1 Mem. Hist. of Boston, p. 453.

chief of which is Winthrop's "History of New England," consisting mainly of notes kept by him in the form of a daily journal, which was begun when he left England in 1630, and was continued until shortly before his death in 1649.

Capt. Edward Johnson, of Woburn, Mass., wrote a book, first published anonymously in London in 1654, purporting to be "A History of New England, from the English Planting in the yeare 1628 until the Yeare 1652," but the running title, by which it is usually cited, was "Wonder-Working Providence of Sion's Saviour in New England." The book is not a history of New England and can scarcely be called a history of the Massachusetts colony during the period which it covers. It consists largely of accounts of the planting of the different churches in the Massachusetts colony, together with biographical sketches of the ministers and some of the prominent colonists, whose names are rarely spelled correctly, memories of whom are embalmed in jingling verses or "meetres," plentifully sprinkled throughout the book. But, notwithstanding the pious exaggeration of the author and his ridiculous rhymes, the book contains a variety of valuable information nowhere else to be found.

John Mason wrote a small volume, first printed in 1677, entitled, "The History of the Pequot War"; and Daniel Gookin wrote two books, one finished in 1674 but not printed until 1792, entitled, "Historical Collections of the Indians in New England"; the other finished in 1677 but not printed until 1836, entitled, "An Historical Account of the Doings and

Sufferings of the Christian Indians in New England." It is said that he also wrote a "History of New England," the manuscript of which is supposed to have been burned.

There were several books of a descriptive character. Francis Higginson, about 1629, wrote a book entitled "New England's Plantation,"[1] giving the result of observations for a period of about three months after his arrival in 1629. William Wood came over about 1629, and in 1634 gave his impression of the country in a volume entitled, "New England's Prospect."

John Josselyn published two books—one entitled "New England's Rarities," published in London in 1672, the other entitled, "An Account of Two Voyages to New England," published in London in 1674. In the "Two Voyages," Josselyn writes not only about America but about almost everything, celestial and terrestrial, from comets to "kibed heels." The volume is filled with incredible stories and concludes with a chronology beginning with "Anno Mundi 3720." Nevertheless the book is often quoted. Prof. Tyler includes it in American literature, but Mr. Justin Winsor does not.

Poetry was not wholly neglected. The most notable poet of the commonwealth period was Anne Bradstreet who was born in England in 1613, and was the wife of Simon Bradstreet, of Emmanuel College, Cambridge, and afterwards Governor. She came with him in 1630 to this country, where all her poems were written.

[1] Reprinted in Force's *Historical Tracts*, Vol. 1, and in Young's *Chronicles*, etc., p. 239.

"The first collection of them was printed at Boston, in 1640, under the title of 'Several Poems, compiled with great variety of Wit and Learning, full of delight; wherein especially is contained a compleat Discourse and Description of the Four Elements, Constitutions, Ages of Man, and Seasons of the Year, together with an exact Epitome of the Three First Monarchies, viz., the Assyrian, Persian, and Grecian; and the beginning of the Roman Commonwealth to the end of their last King; with divers other Pleasant and Serious Poems; By a Gentlewoman of New England.' In 1650 this volume was reprinted in London, with the additional title of 'The Tenth Muse, lately sprung up in America'; and in 1678 a second American edition came from the press of John Foster, of Boston, 'corrected by the author, and enlarged by the addition of several other poems found among her papers after her death.'"[1]

At the time of their publication the poems received high praise in this country. Nathaniel Ward spoke of them in the most eulogistic terms and Cotton Mather, comparing her to Hypatia, Sorocchia, the three Corinnaes, the Empress Eudocia, Pamphila and other celebrated women, claims that a place should be found in the catalogue of illustrious authoresses for "Madame Ann Bradstreet * * * whose poems, divers times printed, have afforded a grateful entertainment unto the ingenious, and a monument for her memory beyond the stateliest marbles." The Rev. John Norton was captivated by her poems and expressed the opinion that, if Virgil could have heard them, he would have been so mortified by the inferiority of his own that he would forthwith have consigned the latter to the

[1] Griswold's *Female Poets of America*, 17.

flames. We may not in this age allow ourselves to be so enthusiastic as the reverend and gallant divines who were her contemporaries. But we can at least accept the judgment of a competent modern critic, Mr. Griswold, who says: "A comparison of the productions of this celebrated person with those of Lady Juliana Berners, Elizabeth Melvill, the Countess of Pembroke, and her other predecessors or contemporaries, will convince the judicious critic that she was superior to any poet of her sex who wrote in the English language before the close of the seventeenth century."

One other poet whose poems, though characterized by Dr. Ellis as "doggerel," were deemed worthy to be collected into a bound volume, was the Rev. Michael Wigglesworth, minister at Malden from 1656 to 1705. The longest of his poems, the "Day of Doom," published in 1662, passed through eight American editions and one English. Another, "Meat out of the Eater," published in 1669, went through five editions; and another was published after his death, entitled "God's Controversy with New England." The titles of these poems sufficiently indicate their somber religious tone.[1]

But the poetry of that period was not confined to the volumes of Mrs. Bradstreet and the Rev. Michael Wigglesworth. Ability to write poetry was an accomplishment supposed to be indispensable to every educated gentleman, and nearly all public men, Mr. Tarbox tells us, imagined "that they could turn out

[1] See Article on *New England Poetry of the Seventeenth Century*, by I. N. Tarbox, 39 New Englander Magazine, p. 174; 39 Lon. Quart. Mag., p. 118.

a piece of poetry on call, for almost every occasion." When Gov. Dudley died, July 31, 1653, some verses were found in his pocket, which Morton says[1] "may further illustrate his character and give a taste of his poetical fancy, wherein it is said he did excel." Then follow some verses of which the following is the concluding stanza:

"Let men of God in Courts and churches watch
O'er such as do a toleration hatch;
Lest that ill egg bring forth a cockatrice
To poison all with heresy and vice.
If men be left, and otherwise combine;
My Epitaph's I died no libertine."

When any noted public man died the poetry was forthcoming. If a minister, his clerical brethren never failed to load down his memory with ponderous elegies couched in the most extravagant language. "Let it be known," says the author of the "Magnalia," "that America can embalm great persons as well as produce them, and New England can bestow an *elegy* as well as an *education* upon its heroes." Many of these elegies will be found scattered through the "Magnalia" and Morton's "New England's Memorial." Often they were in the acrostic style. Excepting the volumes mentioned, the elegies, the Bay Psalm Book and the solemn epitaphs of the tombstone poets, little poetry of the commonwealth period has survived.

During the period styled by Mr. Charles Francis Adams the "theologico-glacial," extending, as he

[1] *New England's Memorial*, 6th ed., p. 167.

claims, from the meeting of the Cambridge Synod in September, 1637, to the year 1760, there was, he says, very little printed matter of any literary value.

"It is a fact worthy of note that the Magnalia stands to-day the one single literary landmark in a century and a half of colonial and provincial life, a geological relic of a glacial period, a period which in pure letters produced, so far as Massachusetts was concerned, absolutely nothing else, not a poem nor an essay, nor a memoir, nor a work of fancy or fiction of which the world has cared to take note."

He contrasts this with the corresponding period in the mother country which, he says, was there a fruitful season,

"For it began with Milton and closed with Johnson; while Clarendon and Burnet, Dryden, Pope and Goldsmith, Bunyan, Swift, Addison, Steele, and Defoe, Locke, Bolingbroke and Newton were included in it."[1]

It may be observed, however, in explaining the dearth of literature in Massachusetts during this time, that there are some other things to be taken into account besides the chilling atmosphere of the "theologico-glacial" period. It is reasonable to presume that men who were chiefly engaged in fighting savages and hewing homes out of the wilderness, and at the same time establishing a government, had not much time or opportunity to write books and compose poetry. It was long after William the Conqueror set foot on the shores of England until there appeared any English bard or writer "of whom the world has cared to take note." Those named by

[1] *Massachusetts, Its Historians, etc.*, pp. 65–67.

Mr. Adams, who have given such splendor to English literature, came at a much later period.

Not a trace of what is now called "juvenile" literature appears in this period. Good old Mother Goose's melodies were not published until 1719, and the children were limited in their literary diet to the catechism and Cotton's "Spiritual milk for American Babes, drawn out of the breasts of both Testaments for their souls Nourishment."

Of all the books printed during the commonwealth period, the most celebrated was the Bay Psalm Book. It passed through many editions. The earliest are now regarded as great literary curiosities and command fabulous prices. It was reprinted in England and is said to have passed through seventy editions.

Another book almost, if not quite, as noted, was the New England Primer, the latest edition of which was published by the Munsells, of Albany, N. Y., in 1885.

"There never has been printed in this country," say these publishers, "a book, laying no claim to inspiration, whose influence has been so extended and enduring as that of the New England Primer. For more than a century it was almost exclusively the juvenile book of New England, and although it may not now be regarded as wholly unexceptionable and adequate to the wants of the age, mighty indeed was its influence upon the people among whom it circulated "[1]

We look through its pages now and smile at the

[1] The first edition is said to have been printed about 1690. 20 Magazine Am. His. 148.

picture of Satan with a forked tail and at other comical illustrations. We smile again at the verses telling how

"Young Obadias,
David, Josias
All were Pious.

and how

"Zacheus he
Did climb the Tree,
Our Lord to see."

We turn through the pages and we come to the child's prayer,

"Now I lay me down to take my sleep,
I pray the Lord my soul to keep,
If I should die before I wake,
I pray the Lord my soul to take."

The words of this simple prayer, handed down from generation to generation, will recall to many the memories of childhood and the vision of the kneeling figure and sweet face of one who taught them to repeat the prayer in years long gone by; they will forget all about Obadias and Zacheus, and, whatever they may think about the Puritan fathers, they will revere the memory of the Puritan mothers.

Without entering into a discussion of the vexed question whether an almanac of any kind should be assigned to the domain of literature, we must, nevertheless, not neglect to mention the almanacs of the commonwealth period. The first one printed in the colonies was "An almanac, calculated for New England by Mr. William Pierce, Mariner," printed by

Stephen Daye and preceding by a year the Bay Psalm Book, published by the same printer in 1640.[1] Almanacs were issued almost every year after that. "Many of these almanacs," says Mr. Spofford, "are preserved in private families, though but few are to be found in our public libraries. It was an early habit in New England to preserve the almanacs from year to year, carefully stitched together, and to annotate them frequently with family records or current events."

In the preface to "Prince's Annals," the author enumerates the authorities which he consulted, including "interleaved Almanacs of the late honorable John Hull and Judge Sewall, of Boston, Esqrs., of the Rev. Mr. Shepard, the last of Charlestown, of the late Rev. Mr. Joseph Gerrish, of Wenham, and several others from 1646 to 1720; wherein the facts were wrote at the time they happened."

Indeed the Bible, the Bay Psalm Book, and the almanac composed all there was of the libraries of most of the early Puritans.

As already noted, the religious books, sermons and tracts, constituted the great bulk of the writings of the commonwealth period. They were mainly the productions of the ministers, who were prodigious workers. John Cotton was the author of many publications. John Norton was also a great worker and a prolific writer. Increase Mather was the author of 92 distinct publications—two of them being written in Latin.

Of these religious writings, it is difficult for us in

[1] Spofford's *Almanac* for 1878, p. 23.

this age to form an accurate judgment. We have drifted far away from the doctrines and the style of the writers. Excepting, perhaps, theologians versed in the lore of ancient theology, few of the present generation can understand these old books. Nobody of course can understand what the Rev. Nathaniel Ward, author of "The Simple Cobbler of Agawam," meant by such a sentence as this: "If the whole conclave of Hell can so compromise exadverse and diametrical contradictions as to compolitize such a multimonstrous manfrey of heteroclites quicquidlibets quietly, I trust I may say with all humble reverence they can do more than the senate of Heaven." Prof. Tyler admits that he does not know what this means and it is tolerably certain that nobody understood it in Ward's time. But Ward is an exception. He was very much afflicted with self-conceit, and it is probable that his eccentricity of style was largely cultivated for effect.[1]

Hooker and Cotton and Norton and their colleagues of the Puritan clergy knew good English and used it. Still there is a great deal in their writ-

[1] A reprint of the 5th edition of the *Simple Cobbler* is found in Force's *Historical Tracts*, Vol. 3. Mr. Whitmore in a note on page 19 of Col. Laws, 1660–1672, says: "Among the strange words used by Ward I note pudder, exulcerations, colluvies, sedulity, jadish, interturbe, corrive, quidanye, prestigiated, ignotions, mundicidious, dedolent, exadverse, per-peracute, nugiperous, nudiustertian, futilous, perquisquilian, indenominable, precellency, surquedryes, prodromies, digladiations, prosult, bivious, awke; besides many, almost innumerable oddities of combination." I may add that I have never seen such an orthographical jumble except in a little book written by S. K. Hoshour, published in 1850, and entitled, "Altisonant Letters." Evidently the author, if he had ever read Ward's sermons, found them to be too hard for him, for in the vocabulary appended to the Letters are found only two of the "strange words" mentioned by Mr. Whitmore.

ings that we of this age can not comprehend any more readily than we can comprehend the gibberish of Ward. Prof. Tyler characterizes John Cotton's writings as "vast tracts and jungles of Puritanic discourse—exposition, exhortation, logic-chopping, theological hair-splitting," and the same criticism will apply with equal force to the books and sermons of his contemporaries.

I have one of John Norton's books, "The Orthodox Evangelist," printed in 1654, which has been handed down from generation to generation, and is now preserved as a curious relic of the past. This was the most celebrated production of that famous divine, and was regarded by his Puritan contemporaries and successors as a wonderfully clear and logical exposition of the orthodox religious doctrines of that period, wherein, as Cotton Mather expressed it, the author had "digested the subtleties of the schoolmen into solid and wholesome Christianity." In the preface the author says "men need strong meat as well as Babes need milk; though he who is but a Babe hath not the knowledge of a man, yet he that is a Babe labours after the knowledg of a man. Babes rest not in being Babes. I have endeavored to say something that might entertain the stronger, yet so as (I hope) I have scarce said anything that weaker capacities may not with due attention attain unto." Encouraged by this, I have endeavored again and again, by "due attention," to "attain unto" an understanding of the book, but I have as often abandoned the attempt in despair. I can not grasp its innumerable heads, divisions and subdivisions in the discussion of

the negative, relative and positive "Attributes," and how these are "distinguished from the Divine Essence and one from another"; the "four attributes of the beatifical object"; the difference between eternity, eviternity and time; the distinction between "common" and "saving or special grace," and the "perilous consequences" from not distinguishing between them—some of these awful consequences being that, without so distinguishing, "Pelagians, semi-Pelagians, Arminians, Papists and Orthodox are all confounded together."

But, without making any more extensive comparisons, I take my own profession, the law, and compare the style of the ancient theological writers with that of the legal writers of the same period. I take "Coke upon Littleton," the first edition of which was published in 1628, and lay Norton's book alongside of that celebrated work and compare the table of contents of the one with that of the other, the theological jargon of the one with the legal jargon of the other; Norton's metaphysical distinctions and Coke's distinctions between the kinds of certainty required in pleading, viz.: certainty to a "common intent"; certainty to a "certaine intent in generall," and certainty to a "certaine intent in every particular." I take up Kent and read what he says upon the question as to the time at which money provided for children's portions may be raised by sale or mortgage of the reversionary term. "The history of the question," he says, "is worthy of a moment's attention, as a legal curiosity and a sample of the perplexity and uncer-

tainty with which complicated settlements 'rolled in tangles,' and subtle disputations and eternal doubts, will insensibly incumber and oppress a free and civilized system of jurisprudence." And then I conclude that the theology of the 17th century was no harder to understand than the law of the same period.

This is no reason, however, for ridiculing the theologians and the lawyers of the old times, or for accusing the present age of degeneration. The simple truth is that we have outgrown both the theology and the law of the 17th century and we are now unused to the ideas and the language of both.

It is quite certain that the clergy of the commonwealth period were learned men, amongst the most learned of the age. Hutchinson says,[1] that the reputation of the New England clergy "had been for some time very great in England and the opinions of Mr. Cotton, Hooker, Davenport and others are cited as authorities by many English divines." In the art of reasoning they had no superiors; their books and sermons were the product of enormous study and intense mental effort; and those who read and listened to them, understood, or thought they understood, them, and received them with eager delight. No books and no orators of the present age wield such a prodigious influence in moulding belief and shaping both public and private opinion as did those of the commonwealth period.

[1] Vol. 1, p. 175.

X

RISE AND FALL OF THE THEOCRACY

For fifty years and more the Puritans struggled to establish a Biblical commonwealth; the attempt resulted in a dismal failure, but the history of it is indispensable to a correct understanding of the government, the laws and the social life of the times.

Whatever thoughts may have been in the minds of the originators of the Massachusetts company in reference to the acquisition of homes and fortunes, whatever ideas of political liberty they may have had, it is clear that their cardinal idea was to secure for themselves and their posterity the right, which had been denied them in England, to enjoy the exercise of their own religious opinions without let or hindrance from kings or bishops.

As to the character of their religion it is not necessary to say much more than that its harshest features were little, if any, softer than were those of Scotch Presbyterianism in the seventeenth century as described by Buckle.[1] Indeed, so late as the time of Jonathan Edwards, that eminent divine thundered orthodoxy as gloomy, and in tones as fierce, as those which characterized the sermons of Hooker, and tradition tells us that in the sermons which he was wont to preach, depicting the awful sufferings of sin-

[1] *Hist. Civ. in Eng.*, Vol. 2, Chap. 5.

ners in the hands of an angry God, he sometimes so terrified his hearers that they clutched their seats in a frenzy of fright, fearing to loosen their grip lest they might slide forthwith down into hell.

The views of Edwards upon the future torments of the damned are luridly set forth in the following extract from his works:[1]

"The world will probably be converted into a great lake or liquid globe of fire, a vast ocean of fire, in which the wicked shall be overwhelmed, which will always be in tempest, in which they shall be tost to and fro, having no rest day or night, vast waves or billows of fire continually rolling over their heads, of which they shall forever be full of a quick sense within and without; their heads, their eyes, their tongues, their hands, their feet, their loins, and their vitals shall forever be full of a glowing, melting fire, fierce enough to melt the very rocks and elements; and also they shall eternally be full of the most quick and lively sense to feel the torments; not for one minute, nor for one day, nor for one age, nor for two ages, nor for a hundred ages, nor for ten thousands of millions of ages one after another, but forever and ever, without any end at all, and never, never be delivered."

Alger, quoting this extract in connection with extracts from other writers and from Calvin on infant damnation, adds:

"It is not the Father of Christ, but his Antagonist, whose face glares down over such a scene as that! The above diabolical passage, at the recital of which from the pulpit, Edwards's biographers tell us, 'whole congregations shuddered and simultaneously rose to their feet, smiting their

[1] Vol. 8, p. 106.

breasts, weeping and groaning,' is not the arbitrary exaggeration of an individual, but a fair representation of the actual tenets and vividly held faith of the Puritans.''[1]

The most pathetic passages in the diary of Judge Sewall are those which detail the agony of his young daughter Betty, when the innocent child, tortured by the preaching of John Norton and Cotton Mather and the teachings of her own father, had been driven almost to the verge of insanity by the conviction that she was a "Reprobat"; that her "Sins were not pardon'd"; that she "was like Spira, not Elected"; and "was afraid should go to Hell."[2]

But the manner in which the Theocracy was developed is worthy of careful study. Of course there was no hint of it in the charter granted by King Charles. Nor was the Theocracy ever a constituent part of the government itself. Its existence, as a definite and distinct body, was not recognized, either in the frame of government, or in its laws. It was a body entirely apart, composed of a small minority of the people, guided and controlled by a still smaller minority of ministers, who were largely influenced by a yet smaller minority of their own number. The authority which these few exercised over the others was very great, but it came chiefly from sources other than the form of government. They ruled largely by the influence which their position in the churches, their talents, and their force of character gave them.

It seems incredible in this age that these few were enabled to exercise such authority at the

[1] *Doctrine of Future Life*, p. 517.

[2] Sewall's *Papers*, Vol. 1, pp. 419, 422, 423, 437.

beginning, but more especially toward the close, of the commonwealth, when at least five-sixths of the people were not church members. How this authority was acquired, how it was developed and enlarged, until it dominated the commonwealth, will appear as we examine further into the character of the clergy and the character of the people.

The ministers who came over in the few years after the granting of the charter were among the most learned men of the age in which they lived. Hooker and Cotton came in 1633, Shepherd and Norton and Richard Mather in 1635. All of them were university graduates and had achieved distinction in England. "It has been computed," says Mr. Justin Winsor, "that nearly one hundred University men came over from England to cast their lot in the new colony between 1630 and 1647; and of these two thirds came from Cambridge, particularly from Emmanuel College,—the Puritan seed-plot."

Of Cotton it is said that he was not only familiar with Greek, but wrote Latin with ease and elegance and could discourse in Hebrew.

Nor were the learned clergymen confined to Boston and the adjacent towns. Even in the frontier town of Marlborough, we learn that the minister (Mr. Brimsmead) was a very learned man, who kept a journal in Latin, interspersed with quotations in Greek and Hebrew.[2]

The industry of the ministers was as marvelous as was their learning. This their published sermons and books attest. The Rev. John Cotton, it is said,

[1] *The Literature of the Colonial Period*, 1 Mem. Hist. of Boston, 454.
[2] Hudson's *His. of Marlborough*, 51.

spent twelve hours each day in reading, and it was his habit to close the day with reading something from John Calvin, because, he said, "I love to sweeten my mouth with a piece of Calvin before I go to sleep." Increase Mather was accustomed to study sixteen hours every day. Some of the other ministers must have been quite as industrious.

They were men of fearless disposition and indomitable will. Hooker, Shepherd, Cotton and Norton had been excommunicated and forced to flee for their lives, because of their boldness of speech and their defiance of Laud and the High Commission. Many of the ministers who came after them were compelled to leave England for the same reason.

Such men would be influential in any civilized country in this or any other age. They would be still more influential among a people in full accord with their religious views, as were the colonists in Massachusetts when the commonwealth began, most of whom had left England because they could not freely avow and practice the religion which they conscientiously believed. Naturally, therefore, their ministers would exercise a greater influence over them than over men of different religious views.

Their isolation from the rest of the world, with the Atlantic ocean between them and their kindred in England, served to draw them still closer together, and to make them confide still more in those to whom they had been taught from infancy to apply for consolation and comfort.

To show how close were the bonds, and how strong was the affection, between the ministers and

their congregations, there is abundant evidence. When Hooker left Boston and went to Hartford he took with him his entire flock. Only the strongest personal attachment could have induced the members of the Scrooby congregation to leave all and follow their minister to Leyden. The parting of the Pilgrims and their loved pastor, John Robinson, discloses a mutual affection, as tender and as touching as it was pure and deep. It throws a mellowing light upon the harsh features of the early Puritans and enables us to comprehend why they were ready to follow their chosen shepherds to the ends of the earth. Nor is it surprising that the ministers were looked upon by their flocks with a feeling closely akin to veneration, and that when Hooker and Cotton died the death of each was supposed to be presaged by supernatural events and miraculous visions, indicating that the Almighty had thus specially marked the event. Seeing how the influence of the clergy began, we can better understand its development.

One of the first things done by the colonists, after the charter had been procured, was "to make a plentiful provision of Godly ministers," and the first of their vessels conveyed four of them. Before any steps were taken by the newly arrived immigrants in reference to civil government a church was organized at Salem. The first thought of the colonists was to make provision for churches and ministers. This was the first matter considered at the first meeting of the Court of Assistants in 1630. For a time the ministers were supported by voluntary contributions but afterward laws were passed for the building and

maintenance at the expense of the towns, of meeting-houses and homes for the ministers.[1]

Another care of the colonists was to see that none but church members were admitted to the privileges of freemen and a voice in the management of the affairs of the colony. Nothing was said in the charter as to the religious qualifications of freemen, and the only requisite to admission to the privileges of such was the consent of those already constituted freemen. At the first General Court held in 1631, 118 persons were admitted, but at the same court, "to the end the body of the Commons might be preserved of honest and good men," it was ordered that "for the time to come no man should be admitted to the freedom of this body politic but such as were members of some of the churches within the limits of the same." A law to the same effect was passed in 1647.[2] As will be seen presently, only "orthodox" churches were recognized. In 1664, in consequence of complaints in England and the severe admonition of the King, the law was nominally repealed, but the repeal did not cure the grievances complained of, for the repealing act itself required, as one of the conditions precedent to admission of applicants for freedom, "a Certificate under the hand of the Ministers, or Minister of the place where they dwell, that they are Orthodox in Religion, and not Vicious in their Lives."[3] It is entirely safe to say that no Baptist or Quaker could have prevailed upon any orthodox minister to give him such a certificate.

[1] Col. Laws 1660–1672, p. 148.
[2] Col. Laws 1660–1672, p. 153.
[3] Col. Laws 1660–1672, p. 229.

The colonists were not satisfied with excluding from the privileges of citizenship those who were not "orthodox in religion," but they were unwilling that they should abide in the colony. This was undoubtedly one of the reasons leading to the enactment of the laws in reference to strangers. By these laws any strangers "of what quality soever," were required to be brought by the master of the vessel bringing them, immediately upon their arrival, before the governor, the deputy governor or two other magistrates, "there to give an account of their occasion and busines in this Country, whereby satisfaction may be given, and order taken, with such strangers," as should be deemed proper. No town or person was allowed to entertain any stranger above three weeks, "except such person shall have allowance under the hand of some one Magistrate."[1]

When the Baptists became troublesome, laws were passed authorizing their banishment. Still severer laws were passed in reference to the Quakers, increasing in severity in proportion to their obstinacy. Heavy penalties were imposed upon the master of any vessel bringing them to the colony, and against any person who should entertain them, and the Quaker ministers were subjected to banishment, and to death if, after banishment, they voluntarily returned.[2]

As might be supposed, it was considered of prime importance to preserve the purity of the orthodox religion and to prevent the contamination of it by any heretical dogmas. Blasphemy, as already stated,

[1] Col. Laws 1660–1672, p. 193.
[2] Col. Laws, 1660–1672, pp. 155, 156.

was punishable capitally by the Body of Liberties. In 1646 it was ordered:[1]

"That if any Christian within this Jurisdiction, shall go about to subvert and destroy the Christian Faith and Religion, by broaching and maintaining any *Damnable Heresies:* as denying the immortallity of the soule, or resurrection of the body, or any sin to be repented of in the regenerate, or any evil done by the outward man to be accounted sin, or denying that Christ gave himselfe a ransom for our sins, or shall affirm that we are not justifyed by his death and righteousnes, but by the perfections of our own works, or shall deny the morallity of the Fourth Commandement, or shall openly Condemn or oppose the Baptizing of Infants, or shall purposely depart the Congregation at the administration of that Ordinance, or shall deny the ordinance of Magistracy, or their Lawfull Authority to make war, or to punish the outward breaches of the first Table, or shall endeavour to seduce others to any of the errors or heresies above mentioned, every such person continuing obstinate therin, after due meanes of Conviction, shall be sentenced to Banishment."

Later the law against heresy was made to include the denial by word or writing of the inspiration of any of the books of the old or the new testament; and severe laws were enacted against that "cursed sect of hereticks, lately risen up in the world, which are called Quakers"; their books were ordered to be burned and the Quakers, themselves, banished and put to death if they returned. And an omnibus law was enacted, providing that "every person that shall publish and maintaine any Heterodox or erroneous Doctrine, shall be liable to be questioned and

[1] Col. Laws, 1660–1672, p. 154.

Censured by the County Court where he liveth, according to the merit of his offence."[1]

As before stated, the privileges of freemen were limited to church members. It was therefore found necessary to see that the churches themselves were orthodox. The provisions of the Body of Liberties in reference to churches had seemingly been very liberal, those of liberty No. 95, entitled "A Declaration of the Liberties the Lord Jesus hath given to the Churches," being as follows:[2]

"All the people of god within this Jurisdiction who are not in a church way, and be orthodox in Judgement, and not scandalous in life, shall have full libertie to gather themselves into a Church Estaite. Provided they doe it in a Christian way, with due observation of the rules of Christ revealed in his word.

"2. Every Church hath full libertie to exercise all the ordinances of god, according to the rules of scripture.

"3. Every Church hath free libertie of Election and ordination of all their officers from time to time, provided they be able, pious and orthodox.

"4. Every Church hath free libertie of Admission, Recommendation, Dismission, and expulsion, or deposall of their officers and members, upon due cause, with free exercise of the Discipline and Censures of Christ according to the rules of his word.

"5. No Injunctions are to be put upon any Church, Church officers or member in point of Doctrine, worship or Discipline, whether for substance or cercumstance besides the Institutions of the lord.

"6. Every Church of Christ hath freedome to celebrate

[1] Col. Laws, 1660–1672, p. 156.
[2] Col. Laws, 1660–1672, p. 57.

dayes of fasting and prayer, and of thanksgiveing according to the word of god.

"7. The Elders of Churches have free libertie to meete monthly, Quarterly, or otherwise, in convenient numbers and places, for conferences and consultations about Christian and Church questions and occasions.

"8. All Churches have libertie to deale with any of their members in a church way that are in the hand of Justice. So it be not to retard or hinder the course thereof.

"9. Every Church hath libertie to deale with any magestrate, Deputie of Court or other officer what soe ever that is a member in a church way in case of apparent and just offence given in their places, so it be done with due observance and respect.

"10. Wee allowe private meetings for edification in religion amongst Christians of all sortes of people. So it be without just offence for number, time, place, and other cercumstances."

But in 1658 the foregoing provisions were revised and re-enacted with various amendments, the most significant being the following, inserted immediately after the first section quoted above:[1]

"Provided also that the Generall Court doth not, nor will hereafter approve of any such companies of men, as shall joyne in any pretended way of Church-fellowship, unless they shall acquaint the Magistrates, and the Elders of the neighbour churches, where they intend to joyne, & *have their approbation therein.*

"2. It is further Ordered, that no person being a member of any church, which shall be gathered *without the approbation of the Magistrates & the said churches, shall be admitted to the freedom of this Comon-wealth.*"

[1] Col. Laws, 1660–1672, p. 147. The italics are mine.

To make sure that none but orthodox ministers should be chosen, the churches were not allowed to call one without the consent of the neighboring churches and the magistrates, and, for violating this rule, a heavy fine was laid on the church at Malden.[1]

Finally it was ordered, in 1679, that no meeting-house should be built without leave from the freemen of the town or the General Court.[2] When the Baptists opened a meeting-house in Boston, it was taken possession of by the magistrates; the doors were nailed up and a notice[3] was posted, forbidding the holding of meetings there, and it is said that when the members assembled for worship they were arrested and treated very roughly.[4]

To enforce respect for religion and the ministers, the law against blasphemy was enlarged in 1646, so as to include all who should "reproach the holy Religion of God, as if it were but a politick device; to keep ignorant men in awe; or shall utter any other kind of Blasphemy, of the like nature and degree."[5] It was also provided that "every person or persons whatsoever, that shall revile the office or person of Magistrates or Ministers, as is usuall with the Quakers, such Person or Persons shall be Severely Whipt, or pay the Summ of Five Pounds."[6]

A law enacted in 1640 made it a finable offense to "goe about to destroy or disturb, the order & peace

[1] Hutchinson, Vol. 1, p. 174.

[2] Mass. Rec., Vol. 5, p. 213.

[3] Issued by order of the General Court, signed by Edward Rawson, Secretary, and dated March 8, 1680.

[4] *A Historic Meeting-House*, 17 Magazine Am. His. 474.

[5] Col. Laws, 1660–1672, p. 128.

[6] Col. Laws, 1660–1672, p. 156.

of the churches established, in this Jurisdiction, by open renouncing their Church estate or their Ministry, or other Ordinances dispensed in them, either upon pretense that the Churches were not planted by any new Apostle, or that ordinances are for carnal Christians, or for babes in Christ, & not for spiritual or illuminated persons, or upon any other such like groundless conceit."[1]

Another law, enacted in 1646, aimed particularly at the Quakers, made it an offense to interrupt a minister in his preaching or to charge him falsely with any error. Violators of this law for the first offense were to be reproved and bound over, "And if a second time they break forth into the like contemptuous carriage, they shall either pay five pounds to the publick Treasury, or stand two houres openly upon a block or stool, four foot high, on a lecture day, with a paper fixed on his breast, written in Capital letters, AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES, that others may hear & be ashamed of breaking out into the like wickednes."[2]

Attendance upon religious services, not only upon Sundays, but also upon fast and thanksgiving days, was required under penalty of a fine for absence without just and necessary cause.[3]

Particular attention was given to the observance of the Lord's day.[4]

The godly training of children and servants was not neglected. In 1642[5] the following law was passed:

[1] Col. Laws, 1660–1672, p. 148.
[2] Col. Laws, 1660–1672, p. 148.
[3] Col. Laws, 1660–1672, p. 148.
[4] See Chap. VIII.
[5] Col. Laws, 1660–1672, p. 136.

"It is Ordered that the Select men of every Town, in the several precincts, and quarters where they dwel, shal have a vigilant eye over their brethren and neighbours to see that * * * all masters of families, do once a week (at the least) catachise their children and servants in the grounds and principles of Religion, & if any be unable to do so much; that then at the least they procure such children and apprentices, to learn some short orthodox catachism without book, that they may be able to answer unto the questions, that shall be propounded to them, out of such catachism by their parents or masters or any of the Select men, when they shall call them to a tryall, of what they have learned in this kind."

Later[1] it was provided that:

"Forasmuch as it greatly Concernes the welfare of the Country that the youth thereof be educated not only in good Literature, but in sound Doctrine. This Court doth Therefore Commend it to the serious Consideration, & special care of our Overseers of the Colledg, & the Select men in the several townes, not to admit or suffer any such to be continued in the Office or place of teaching, educating or instructing youth or children, in the Colledg or Schools, that have manifested theselves *unsound in the faith*, or *scandalous in their lives* & have not given satisfaction according to the Rules of Christ."

There was scarcely anything which the Theocracy did not pry into and attempt to regulate by law. It attempted to control men's thoughts as well as their actions. "It is evident," says Hutchinson,[2] "not only by Mrs. Hutchinson's trial, but by many other

[1] Col. Laws, 1660–1672. p. 191.
[2] Vol. 1, p. 75.

public proceedings, that inquisition was made into men's private judgments as well as into their declarations and practice."

It would be reasonable to suppose that the ministers in a community having such laws as have been mentioned would possess great power and influence, not only in social life, but in the affairs of government. And such was the fact.

It will be observed also that, under the peculiar system of the early colonial government, the men who composed the congregation in the town church were the identical men who voted at the town meetings.

Another fact must be borne in mind. As we have seen, no one could be admitted a freeman, and be entitled to vote and exercise the privileges of citizenship, until he had been admitted a member of some orthodox church. But that was not always an easy matter. The minister would, of course, have great influence in determining the application for membership. Indeed, while he could not admit any one against the will of the congregation, neither could the congregation admit any one over his objection, however arbitrary it might be.

That the influence of the clergy was enormous there can be no doubt. Prof. Tyler speaks of Hooker as "priest and king" of the Connecticut colony, and of John Cotton as "the unmitred pope of a pope-hating commonwealth." The influence of John Norton, for a long period, was almost supreme, and "for nearly sixty years," according to Mr. Justin

Winsor, "Increase Mather well-nigh ruled in the Boston, if not in the New England, Theocracy."

The power of the clergy was plainly manifest in the proceedings of the General Court. No man sat there who was obnoxious to them, and it was seldom that any measure was carried over their objection. On all important questions their advice and counsel were sought, and in all affairs, civil and domestic, as well as ecclesiastical, the advice of the clergy was almost equivalent to a command.

In 1631 the citizens of Boston chose seven men to divide the town lands among them, but they chose only one elder and one deacon, "and the rest of the inferior sort," which they did "as fearing that the richer men would give the poorer sort no great proportion of land." But this was thought to be setting a bad precedent, "whereupon at the motion of Mr. Cotton, who showed them that it was the Lord's order among the Israelites to have all such business committed to the elders, * * * they all agreed to go to a new election."

In one of his sermons, preached in 1637, expounding a passage in 2 Chron. and Numbers 27, 21, Cotton said, "that the rulers of the people should consult with the ministers of the churches upon occasion of any war to be undertaken, and any other weighty business, though the case should seem never so clear, as David in the case of Ziglag, and the Israelites in the case of Gibeah. Judges, etc."[1]

Still another fact should be borne in mind, in estimating the influence of the clergy in the colonial

[1] Winthrop, Vol. 1, p. 237.

government, which has been referred to in a former chapter, viz., the absence of the conservative influence of lawyers.

It must be obvious, from what has been said, that the connection between church and state was very intimate. It is doubtful if the connection was ever more intimate since the days of Moses. Nor were the clergy ever more influential in any government. Their control was well-nigh supreme over the legislature, the courts and the people. The natural result was to create an established church, not in name, but in fact. The Puritan orthodox church was as much an established church as the established church of England.

Another result was a rapidly developing tendency to religious tyranny and persecution. An eminent historian says that there is no instance in history of unlimited power which has not been abused. This is true, whether the power be lodged in kings, legislatures, judges, or ecclesiastics.

The history of England and France, as well as that of Massachusetts, shows that no ecclesiastics of any denomination are exceptions to the rule. Indeed, the combination of politician and preacher is generally a very bad one. It is bad if the preacher is a hypocrite and "steals the livery of Heaven to serve the Devil in," and bad if he is a conscientious religious fanatic, for, of all fanatics, the conscientious religious one is the most dangerous to his fellow-men.

The power of the clergy was, of course, fully recognized by the civil rulers, and "whenever," says

Mr. Savage,[1] "any course, that might proceed to a result of extreme injustice, cruelty, or tyranny, was contemplated by the civil rulers, the sanction of the churches or of the elders was usually solicited, and too often obtained."

Enough has been said to show the influence of the church and of the ministers in the government, and of the tendency of that influence, to make it clear how a small minority was able so long to hold the reins of power in the commonwealth, in opposition to the majority. This is an important consideration when we seek to determine responsibility for the religious persecutions of Baptists and Quakers. We have only to compare the Body of Liberties, adopted in 1643, with the Revision of 1660, to see how rapid was the progress in the commonwealth toward religious despotism.

The advance of the Theocracy toward the assumption of arbitrary power was not unopposed. On the contrary, its progress was marked by great dissensions and violent opposition and was tinged with blood. The darkest pages in the history of the commonwealth are those which record the persecutions of persons whose religious views did not accord with those of the party in power. Very early, in 1629, the Brownes had insisted on using the Book of Common Prayer and conforming to the forms and ceremonies of the Church of England, whereupon Governor Endicott told them that "New England was no place for such as they," and sent them back to England.

[1] Winthrop, Vol. 1, 342 note.

The first resolutely to oppose the pretensions of the Theocracy was Roger Williams, the new minister at Salem. He, too, like many other ministers, had been driven from England to escape the persecutions of Laud. John Quincy Adams describes him as "the very impersonation of this combined conscientious, contentious spirit."[1] He presented in his character the singular combination of a frank and amiable nature with an uncontrollable appetite for disputation. He went through life dissenting from everything regarded by his fellow-men as established in government or in religion.

When the members of his own church refused to follow his advice to withdraw themselves from the other "unregenerate" churches in Massachusetts, he excommunicated them by withdrawing himself from fellowship with them, opened meetings in his own house, and quarreled with his wife for persisting in continuing to worship in the church which he had just left. At last, toward the close of his life, he dissented from himself, and denounced as unsound the views of baptism which he himself had formerly advocated.

He came to this country in 1631, and was called to the church in Salem, but it was not long until he began to advocate opinions which raised a great ferment and aroused violent opposition, and which, at the General Court in 1635, "were adjudged by all magistrates and ministers (who were desired to

[1] *Address to Mass. His. Soc.*, Mass. His. Coll., 3d Ser., Vol. 9, p. 206. In this address Mr. Adams gives a very clear and strong presentation of the side of Massachusetts in the controversy with Williams which led to his banishment.

be present) to be erroneous and very dangerous." He insisted that all those who had ever partaken communion with the Church of England should make public repentance for having committed so great a sin. But his political opinions were still more shocking to the whole community. He contended that the colonists had been guilty of a great wickedness in accepting from the king their charter, and that they ought forthwith to surrender it; that it gave them no title to the lands which they occupied because, as he claimed, the king had no right to give to his subjects what belonged to the native Indians; that the magistrates had no right to punish violations of the Sabbath or any other violations of the first table; and that they had no right to administer an oath to an "unregenerate man," not even the oath of fidelity.[1] The author of the "Magnalia" assures us that the whole country was "like to be set on fire by the rapid motion of a wind-mill in the head of one particular man."

Undoubtedly for the expression of such opinions in England, if he had remained there, he would have been hanged or burned at the stake. The colonists banished him, and, while we may condemn them for doing even this, all can rejoice that they inflicted no severer punishment.

For some years after his banishment he and the Rev. John Cotton bombarded each other at long range with books and tracts, bearing the gory titles of the "Bloody Tenent of Persecution," the "Bloody Tenent washed and made white in the Blood of the Lamb," and "the Bloody Tenent yet more Bloody."

[1] Hubbard *His. New England*, Mass. His. Coll., 2d Ser., Vol. 5, p. 206; *New England's Memorial*, 6th ed., p. 103.

In later years he himself became shocked at the contemptuous conduct of the Quakers and hurled a book at George Fox entitled, "George Fox digged out of his Burrowes," and declared that "a due and moderate restraint and punishing" of their incivilities, "though pretending conscience, is so far from persecution, properly so called, that it is a duty and command of God unto all mankind."

Further evidence that Williams's opinions of political and religious toleration underwent some decided changes after his banishment from Massachusetts is afforded by his treatment of William Harris, who went with him from Salem and for a long time was his intimate friend. Afterwards there grew up a bitter feud between them, and Williams caused Harris's arrest for high treason, on account of utterances no more subversive of good government than those for which Williams himself had been banished from Massachusetts.[1] Nevertheless, there are in the life of Williams some incidents that strikingly illustrate his kindness of heart and the absence of the feeling of resentment which, after such treatment as he had received from the magistrates of Massachusetts, would long have rankled in the minds of most men. They are creditable to Winthrop also, but as much can not be said of his Massachusetts associates. Whatever may have been the feelings of the Massachusetts authorities toward Williams after his banishment, it is certain that, to the end of his life, while denouncing their religious intolerance, he entertained the most sincere affection for the people of

[1] Palfrey, Vol. 2, p. 365; Doyle's *English Colonies in America*, Vol. 1, p. 318.

the Massachusetts commonwealth. He and Winthrop continued to correspond with each other, and each seems to have held the other in affectionate remembrance. It was the intention of the Massachusetts authorities to send Williams back to England, but hearing of the plan he escaped and started upon his perilous and memorable journey through the wilderness. After his departure Winthrop wrote advising him to "steer his course" to the Narragansett Bay, because of the "freeness of the place from any English claims or pattents," and thither he went. Afterwards Williams repeatedly, and sometimes at the risk of his life, interposed his mediation to reconcile the differences between the people of the commonwealth and their Indian foes, and to advise the authorities of the former of the latter's hostile plots.

In 1676, when Williams was seventy-seven and his house had been burned, and he had been "in his old age reduced to an uncomfortable and disabled state," the Council of Massachusetts "out of compassion to him in this condition" passed an order "that if the sayd Mr. Williams shall see cause and desire it, he shall have liberty to repayre into any of our Towns for his security and comfortable abode during these Public Troubles, he behaving himself peaceably and inoffensively, and not *disseminating and venting any of his different opinions in matters of religion to the dissatisfaction of any.*"

This was very scant and very tardy justice to one who had done so much as Williams for the commonwealth in its times of trouble. If the author-

ities in Massachusetts had acted more liberally and more speedily they might have gained a little more credit, where they needed so much, for toleration.

The next serious trouble was what is known as the Antinomian controversy. This began about 1636, and was chiefly stirred up by Mrs. Ann Hutchinson and her brother-in-law, John Wheelwright, one of the ministers in the new colony. Mrs. Hutchinson, a woman distinguished for her intelligence and sprightly wit, had heard the Rev. John Cotton in England and came to this country chiefly that she might again be fed by his discourses. She had very decided and original religious views of her own, which she did not hesitate to express, and which did not correspond exactly with those which were accepted by the majority of the colony ministers as orthodox. She also professed to have received divine revelations. She soon began to hold meetings at her house, at which the sermons of the ministers were discussed and criticised. "It was not long," Cotton Mather tells us, "before 'twas found that most of the errors, then crawling like vipers, about the countrey, were hatched at these meetings," held at the house of this "virago." Of the new doctrines taught by Mrs. Hutchinson, one was that most of the Boston ministers (Mr. Cotton excepted) were under a "covenant of works," and not under a "covenant of grace"; also that they were not "sealed"; and another, more intelligible and more exasperating to them, was that "they were not abel ministers."[1]

Oliver states that "her disciples now denied, among

[1] Some of her "damnable doctrines" are enumerated in the *Magnalia*, Vol. 2, pp. 516, 517.

other truths the obligation of the moral law, the immortality of the soul, and the resurrection of the dead; and a divine revelation had assured her of the destruction of the Puritan commonwealth."[1] But Mrs. Hutchinson, herself, did not advocate all these heresies; at least she was not so charged in her subsequent trial.

Her brother-in-law, Wheelwright, speedily became a convert to her views. John Cotton, if not won over by her teachings, evidently was deeply impressed by them. Sir Henry Vane was then governor. It is not certain how fully he understood or cared for the differences between Mrs. Hutchinson and Wheelwright and the other ministers, or whether he sided with the Hutchinson and Wheelwright faction for religious or for political reasons. Oliver insinuates that he "embarked in the contention more to secure the leadership of a party than for any real interest he felt in the struggle," but it is more probable, considering Vane's visionary temperament, that he was fascinated by the subtle novelty of the views of the remarkable woman who came so near captivating the entire Massachusetts commonwealth. At any rate, Vane became one of her most enthusiastic supporters.

Shortly before the expiration of his term of office as governor, Vane declared that his private affairs required him to abandon the office and return to England, and he requested permission to do so from the General Court. At the same time he gave a dramatic exhibition of his grief by bursting into tears when

[1] *Puritan Commonwealth*, p. 178.

speaking of the cruel necessity which compelled him to leave the country in its then distracted condition, which was owing largely, he thought, to the "scandalous imputation brought upon himself, as if he should be the cause of all." If, as Hutchinson intimates, Vane was guilty of dissimulation in this theatrical display, it did not have the desired effect upon the level-headed, practical and unimaginative Puritans of the Massachusetts commonwealth, for they refused to accept his resignation and did not carry out the supposed Cæsar programme by offering him the crown a second time. It is certainly true that Vane, notwithstanding his professed desire to resign, was entirely willing to remain and continue in the office of governor, else he would not have permitted his name to go before the people again as a candidate for that place.

Many others, especially in Boston, became converts of Mrs. Hutchinson and Wheelwright, and a great commotion resulted. The people of Boston divided and the ministers divided, and the division threatened to extend throughout the commonwealth.

To make matters worse, Wheelwright preached a sermon, which, whether correctly interpreted or not, was construed as a violent attack upon his brother ministers and gave them great offense. He was therefore summoned to appear before the General Court to answer for his heretical teachings, and was adjudged to be guilty of sedition, but no sentence was then pronounced.

Thereupon a petition was presented to the General Court, signed by many prominent citizens of Boston

and by some of the neighboring towns, remonstrating against the proceedings in Wheelwright's case. The remonstrance, even according to the version of it given by Welde, one of the most bitter of Wheelwright's accusers, seems to have been temperate in its tone and contained nothing to warrant the subsequent proceedings against those who signed it.[1] No attention was paid to the remonstrance at the time when it was presented.

Here matters rested for a time. A general election was coming on. The candidate for governor of the majority of the ministers was Winthrop, while Vane was the candidate of the Hutchinson and Wheelwright party. Boston had become so deeply infected with heterodox notions that it was deemed unsafe by the Winthrop party to hold the election there, and a motion was made in the General Court to hold the election at Cambridge. Vane refused to put the motion, whereupon it was promptly put by Endicott and carried. Vane also attempted to present the petition in favor of Wheelwright, but the General Court refused to hear it until after the election. Election day was one of great and unusual excitement. "There was," says Winthrop, "great danger of a tumult that day; for those of that side [Wheelwright's] grew into fierce speeches, and some laid hands on others; but seeing themselves too weak, they grew quiet."[2] Wilson, one of the min-

[1] The copy preserved by Welde entitled "Remonstrance or Petition by Members of Boston Church, in favor of Wheelwright, March, 1637. Copied from the Book of their Antagonist, Thomas Welde, pp. 23–5," is given in Savage's edition of Winthrop, Vol. 1, p. 481. See Doyle's *English Colonies in America*, Vol. 1, p. 131.

[2] Vol. 1, p. 220.

isters, mounted a tree and harangued the freemen in favor of Winthrop, making, it is said, the first "stump speech" ever made in America.

The day was carried, however, not by the oratory of Wilson, but by the great name of Winthrop. The country towns remained loyal to him and to the orthodox ministers, and when the votes were counted it was found that Winthrop had been elected and that Vane and all of his party had been left out of office. Vane himself soon after left America never to return.

The character of this celebrated man, prominent alike in the Massachusetts commonwealth and in England in the most stormy political periods in both countries, justifies more than a mere passing notice. Vane, indeed, furnishes a striking illustration of the difficulty of reaching an accurate conclusion concerning the character of any man prominent in the political affairs of his age. Accordingly as the writer leans to or against republicanism in politics and Puritanism in religion, his views are favorable or unfavorable to Vane. The great diversity of opinion respecting Vane appears in the extracts from other writers given us by Mr. Charles Wentworth Upham, his American biographer,[1] and by Dr. Ellis in "The Puritan Age."

That Vane was a man of great intellectual power and executive ability there can be no doubt. It seems to be equally clear that he was of that peculiar temperament which made him a visionary in religious belief and an impracticable enthusiast in politics.

[1] *Life of Sir Henry Vane*, Vol. 4, Sparks's American Biography.

But there is a wide and irreconcilable difference of opinion touching his character as a man. Milton has immortalized him in verse, and Upham has portrayed him in the most favorable light. Mr. Fiske, also,[1] eulogizes him in terms of highest praise. An altogether different impression is conveyed by Hutchinson, who, as before stated, intimates that he was guilty of dissimulation in the weeping episode which characterized his attempted resignation as governor, and by Hume, who strongly intimates that, if both Vane and his father were not implicated in a deliberate and disreputable plot to procure the conviction of the Earl of Strafford, the conduct of the son on that occasion was such as to justify a grave suspicion at least with respect to his honor.

There is also a wide diversity of opinion as to Vane's writings. Mackintosh is reported to have said that they displayed "astonishing powers." Hume, on the other hand, characterizes them as "wholly unintelligible," and classes him among men of the greatest genius who "where they relinquish by principle the use of their reason, are only enabled, by their vigor of mind, to work themselves the deeper into error and absurdity."

That which Vane's most enthusiastic admirers find the hardest to explain or excuse, is the part which he took, after his return to England, in the impeachment trial of the Earl of Strafford. The latter's conviction was based chiefly upon a copy, furnished by Vane to Pym, who conducted the impeachment proceedings, of some notes taken by his father (Sir

[1] *Beginnings of New England*, pp. 116–117.

Henry Vane, the elder), when secretary of the Privy Council, of alleged remarks made by Strafford in relation to the subjugation of Scotland. Among honorable men, independently of any law on the subject, the advice given by a lawyer to his client is regarded as a privileged communication of the highest character. Much more so should be the advice given by a privy councilor to his sovereign. But the law added an express obligation of secrecy by requiring that every councilor, before taking his seat, should make oath that he would "keep secret all matters committed and revealed" to him in the council. If the disclosure of the notes taken by Vane's father was procured by any collusion between them, it exposed both to the charge of basest perfidy. Unfortunately for the fame of Vane there was enough to raise at least a strong suspicion that there was such collusion in the extraordinary story told by him and his father explaining the manner in which the son got possession of the notes, and why he gave a copy of them to Pym.

The story told by Vane, the son, at the impeachment trial, was that the father, being in the north of England, sent the keys to the boxes containing his private papers to his son, in order that the latter might make search for a paper necessary to the making of a settlement upon his wife. *After having found* the papers for which he was directed to make search, he was prompted, by mere *curiosity*, to see what was in a *red velvet cabinet*, wherein he found the notes taken by his father of Strafford's remarks in the Privy Council. These made such a profound impres-

sion on him that he felt bound in conscience to show them to Pym, and "being confirmed by him that the seasonable discovery thereof might do no less than preserve the kingdom, consented that he should take a copy thereof; which to my knowledge he did faithfully; and thereupon I laid the original in the proper place again, in the red velvet cabinet." His father was present when this remarkable story was told by his son and he declared that this was the first knowledge he had of the manner in which the contents of his notes had been disclosed, and he professed to be deeply mortified and offended by the conduct of his son. What gave further strength to the suspicion that the marvelous story of the discovery by the son of the father's notes was part of a concocted plot between them, was the fact that the father was a bitter enemy of Strafford, and the further fact that the father's notes were not corroborated by the testimony of any of the councilors who were present when the alleged remarks of Strafford were said to have been made, four of whom, besides the elder Vane, testified at the trial.

No one can read the account of this transaction as given by Hume[1] without a strong impression that the conduct of Vane, if not perfidious, was at least very reprehensible. The account given by Upham, though the professed admirer and eulogist of Vane, does not remove this impression in the mind of one who candidly and impartially weighs the evidence. The character of Strafford, himself, bad as it was, and deserving as he may have been of his fate, has no bearing

[1] *His. England*, Vol. 5, Chap. 54.

in determining the morality or the propriety of the conduct of Vane.

This much, however, should be said in favor of Vane: that when he himself was led to the scaffold, the last victim to suffer death under the reign of Charles II for alleged political crimes committed in the preceding reign, he met death with manly fortitude and heroic courage, and that, to the end of his life, he was the friend of the Massachusetts colonists.

The Theocracy was now in full control, and the charges against Wheelwright were speedily pressed to a conclusion, resulting in his banishment.

Attention was next turned to the arch-mischief-maker, Mrs. Hutchinson. From the brief account by Winthrop we do not get a very clear idea of the trial of Mrs. Hutchinson, but a full report of it is given by the historian Hutchinson, one of her descendants.[1] It is a humiliating record in which Winthrop, who presided at the trial, cuts a sorry figure. "We have," says Dr. Ellis,[2] "to fall back upon our profound impressions of the deep sincerity and integrity of his character, his singleness and devotion of purpose, and the consecration of his fortune and life to a beloved work which he saw threatened with a dire and humiliating catastrophe, to read without some faltering or misgiving of approval, not to say with regret and reproach, the method with which he conducted the examination of this gifted and troublesome woman."

No definite charges had been filed, so that the accused could know certainly the precise nature of the

[1] Vol. 2, App., p. 423, *et seq.*

[2] *The Puritan Age*, p. 336.

accusations which were to be brought against her and be prepared to meet them. Besides the governor, there were present at the trial, Thomas Dudley, the deputy governor, several of the assistants and deputies; and the ministers of Boston and the neighboring towns were there in force, including the "Apostle" John Eliot, Thomas Welde, Hugh Peter, Thomas Shepard and others.

Against this formidable array of those who were at once her enemies, her accusers, and her judges, the heroic woman stood alone, unrepresented by counsel or friend, but she bore herself with matchless skill and self-command and with undaunted courage.

Winthrop opened the proceedings with the following arraignment:

"Mrs. Hutchinson you are called here as one of those that have troubled the peace of the Commonwealth and the Churches here; you are known to be a woman that hath had a great share in the promoting and divulging of those opinions that are causes of this trouble, and to be nearly joined not only in affinity and affection with some of those the Court hath taken notice of and pressed censure upon, but you have spoken divers things, as we have been informed, Very prejudicial to the honour of the Churches and ministers thereof; and you have maintained a meeting and an assembly in your house that hath been condemned by the general assembly as a thing not tolerable nor comely in the sight of God, nor fitting for your sex and notwithstanding that 'twas cried down, you have continued the same."

To this vague accusation, Mrs. Hutchinson answered:

"I am called here to answer before you, but I hear no things laid to my charge."

Then there was a sharp running debate between her and the governor, in which Mrs. Hutchinson certainly held her own and finally forced Winthrop to fall back upon the bald statement, which Mrs. Hutchinson could not gainsay: "We are your judges, and not you ours, and we must compel you to it."

The deputy governor and various elders in turn essayed debate with Mrs. Hutchinson, but she met their arguments with such dexterity, and quoted scripture so abundantly, that all were worsted in the encounter.

Mrs. Hutchinson then desired that her accusers might be required to "speak upon oath," especially as they were "witnesses in their own cause." The ministers manifested much reluctance to testify under oath, and for a time the trial proceeded without any oath being required, and a rambling cross-fire ensued, carried on between Mrs. Hutchinson and various members of the court and several of the ministers present. But Mrs. Hutchinson still insisted that her accusers, though ministers, should be sworn.

At this stage of the proceedings, neither Mrs. Hutchinson nor the others present having any clear idea of what the trial was about, Governor Winthrop found it necessary to make a further statement of the charges, which he did as follows:

"Gov. Let us state the case and then we may know what to do. That which is laid to Mrs. Hutchinson's charge is this, that she hath traduced the magistrates and

ministers of this jurisdiction, that she hath said the ministers preached a covenant of works and Mr. Cotton a covenant of grace, and that they were not able ministers of the Gospel, and she excuses it that she made it a private conference and a promise of secrecy &c.,—now this is charged upon her, and they therefore sent for her, seeing she made it her table talk, and then she said the fear of man was a snare, and therefore she would not be afraid of them.

"Mrs. H. This that yourself hath spoken I desire that they may take their oaths upon."

The debate was resumed on the question of swearing the accusers. The ministers were still reluctant to be put on oath. Mr. Shepard said: "I know no reason of the oath but the importunity of this gentlewoman." Mr. Peter said: "We are tender of it"; and the governor asked: "Shall we not believe so many Godly elders in a cause wherein we know the mind of the party without their testimony?" Mr. Eliot thought that the proper method of proceeding was to examine the accused and her witnesses first. "We desire," he said, "to know of her and her witnesses *what they deny*, and then we shall speak upon oath." Mr. Harlakenden wanted to have her "put any passage unto them and see what they say," whereupon Mrs. Hutchinson promptly answered: "They say I said 'the fear of man is a snare, why should I be afraid?' When I came unto them, they urging many things unto me and I being backward to answer at first, at length this scripture came unto my mind, xxixth Prov. 25. 'The fear of man bringeth a snare: but whoso putteth his trust in the Lord shall be

safe.'" To this, all that the Rev. Mr. Harlakenden had to say was: "This is not an essential thing," but he asked Mrs. Hutchinson no more questions.

During the discussion about swearing the accusers, Mr. Bishop, one of the deputies, ventured to ask this question: "I desire to know before they be put to oath, whether their testimony be of validity?" Whereupon he was frowned down by the deputy governor in this style: "What do you mean to trouble the court with such questions? Mark what a flourish Mrs. Hutchinson puts upon the business that she had witnesses to disprove what was said, and there is no man to bear witness." Mr. Coggshall, one of the Boston deputies, suggested that it was "desired that the elders would confer with Mr. Cotton before they swear," to which Endicott replied: "I will tell you what I say. I think this carriage of yours tends to further casting dirt upon the face of the judges."

Then it was determined to call Mrs. Hutchinson's witnesses first, and Mr. Coggshall and Mr. Leveret were called. Mr. Coggshall was quickly disposed of:

"Dep. Gov. Let her witnesses be called.

"Gov. Who be they?

"Mrs. H. Mr. Leveret and our teacher Mr. Coggshall.

"Gov. Mr. Coggshall was not present.

"Mr. Coggshall. Yes I was, only I desired to be silent till I should be called.

"Gov. Will you Mr. Coggshall say she did not say so?

"Mr. Coggshall. Yes, I dare say that she did not say all that which they lay against her.

"Mr. Peters [one of the ministers.] How dare you look unto the Court to say such a word?

"Mr. Coggshall. Mr. Peters takes upon him to forbid me. I shall be silent"

The substance of Mr. Leveret's testimony was that Mrs. Hutchinson's explanation of the difference between Cotton and the other ministers was, not that the latter did not preach a covenant of grace, but that they did not preach it "so clearly as Cotton did."

During the trial Mr. Cotton came in and seated himself beside Mrs. Hutchinson, and, after Coggshall and Leveret had been heard, the governor asked Cotton to declare what he remembered of Mrs. Hutchinson's words at the conference in question. It was a trying ordeal for this noted minister. If he had not been converted to Mrs. Hutchinson's views he had been deeply impressed by them. "It is difficult," says Hutchinson,[1] "to discover from Mr. Cotton's own account of his principles, published ten years afterwards in his answer to Bailey, wherein he differed from her." He evidently wished to testify in a way to shield Mrs. Hutchinson as much as possible, but he knew that he himself was under suspicion, and that all around him were catching his every word and watching his every look and gesture. For a time it seemed as if he, and not Mrs. Hutchinson, was the accused, and one of the ministers (Mr. Bartholomew), apparently forgetting that it was the former who was on trial, desired "to clear Mr. Cotton." The deputy governor wanted to know of him whether he did "approve of Mrs. Hutchinson's revelations as she hath laid them down," and Endicott bluntly asked him: "Whether do you witness

[1] Vol. I, p. 73.

for her or against her"; and the deputy governor, after hearing his explanation, told him: "Sir, you weary me and do not satisfy me." Others prodded Mr. Cotton until the governor came to his relief by saying: "Mr. Cotton is not called upon to answer to anything, but we are to deal with the party here standing before us."

Then Mr. Coddington (himself afterward banished) desired "to speake a word," and asked: "What if she designed to edify her own family in her own meetings, may none else be present?" But the governor summarily cut him off with the answer: "If you have nothing else to say but that, it is pity, Mr. Coddington, that you should interrupt us in proceeding to censure." Coddington, however, persisted in expressing his opinion. He, alone, in all the assembly, had the courage to oppose its action and to state his reasons. He insisted that there was "no law of God that she hath broken, nor any law of the country that she hath broke"; that she was accused only of what she had spoken in private to the elders; that they had no right to make it public, and that it was they and not she who "have broken the rules of God's word."

Stoughton was one of those present who had scruples about finding Mrs. Hutchinson guilty on the unsworn statements of her accusers "because," he said, "she hath not been formally convicted as others are by witnesses upon oath," and at this stage of the proceedings he again insisted that they be sworn, whereupon the governor said: "In regard Mr. Stoughton is not satisfied, to the end all scruples may

be removed we shall desire the elders take their oaths."

"Here, now," continues the record, "was a great whispering among the ministers; some drew back, others were animated on." Then Mr. Eliot and Mr. Welde were sworn and testified as follows:

"Mr. Eliot. I do remember and I have it written that which she spake first was, the fear of man is a snare, why should she be afraid, but would speak freely. The question being asked whether there was a difference between Mr. Cotton and us, she said there was a broad difference, I would not stick upon the words—the thing she said—and that Mr. Cotton did preach a covenant of grace and we of works, and she gave this reason—to put a work in point of evidence is a revealing upon a work. We did labor then to convince her that our doctrine was the same with Mr. Cotton's; She said no, for we were not sealed. That is all that I shall say.

"Gov. What say you, Mr. Weld?

"Mr. Weld. I will speak to the things themselves—these two things I am fully clear in—she did make a difference in three things the first I was not so clear in, but that she said this I am fully sure of, that we were not able ministers of the New Testament, and that we were not clear in our experience because we were not sealed.

"Mr. Eliot. I do further remember that also, that she said we were not able ministers of the gospel, because we were like the apostles before the ascension."

The report records the wretched conclusion of this miserable judicial farce as follows:

"Gov. The Court hath already declared themselves sat-

isfied concerning the things you hear, and concerning the troublesomeness of her spirit and the danger of her course amongst us, which is not to be suffered. Therefore if it be the mind of the Court that Mrs. Hutchinson, for these things that appear before us, is unfit for our society, and if it be the mind of the Court that she shall be banished out of our liberties and imprisoned till she be sent away, let them hold up their hands.

"All but three.

"Those that are contrary minded hold up yours.

"Mr Coddington and Mr. Colburn only.

"Mr. Jennison [a deputy of Ipswich] I can not hold up my hand one way or the other, and I shall give my reason if the court require it.

"Gov. Mrs. Hutchinson, the sentence of the court, you hear it, that you are banished from out of our jurisdiction as being a woman not fit for our society, and are to be imprisoned till the Court shall send you away.

"Mrs. H. I desire to know wherefore I am banished?

"Gov. Say no more, the Court knows wherefore, and is satisfied."

Mrs. Hutchinson had been cast out and the ministers had solemnly adjudged themselves to be "able ministers," but the Massachusetts commonwealth was still a long way from religious liberty.

Winthrop tells us that "because it was winter they committed her to a private house, where she was well provided, and her own friends and the elders permitted to go to her, but none else."[1] She was imprisoned in the house of Mr. Joseph Welde (brother of the minister) of Roxbury. While there the elders labored with her, but in vain. "When subjected,"

[1] Vol. I, pp. 246–7.

says Savage,[1] "to the perpetual buzzing of the clerical tormentor, she must have been more than woman, not to prove incorrigible." She "persisted in maintaining those gross errors beforementioned, and many others, to the number of thirty or thereabout," and so "the church, with one consent, cast her out,"[2] and soon afterward she was banished from the commonwealth. She and her husband went to Aquidneck in what is now Rhode Island. He died in 1642, and in 1643 she and most of her family were murdered by the Indians at one of the Dutch settlements in New York near the west end of Long Island. No names are more honored in Massachusetts to-day than those of some of her patriotic and distinguished descendants.[3]

Mrs. Hutchinson having been disposed of, the General Court next proceeded to put upon the rack those who had signed the remonstrance against the prosecution of the charges against Wheelwright, and they were severely dealt with. Some, including William Coddington and John Coggshall, who were especially obnoxious because they had favored Mrs. Hutchinson on her trial, were banished, and a large number, including several prominent citizens of Boston and the other towns, were humiliated by being ordered to give up all their arms and ammunition.[4] "The confusion in the colony

[1] Winthrop, Vol. 1, p. 247 *note*.

[2] Winthrop, Vol. 1, pp. 254, 258.

[3] The Puritan historians do not fail to record the Divine judgments visited upon Mrs. Hutchinson after her banishment, and Winthrop and Cotton Mather both relate, with disgusting detail, the ridiculous stories about her having been delivered of thirty monstrous births, "none of any humane shape" corresponding in number with the monstrous opinions of which she had been convicted. Winthrop, Vol. 1, p. 271; *Magnalia*, Vol. 2, p. 19.

[4] Winthrop, Vol. 1, p. 247.

occasioned by these religious disputes," says Hutchinson, "was very great, and it appears from the letters then wrote from England, that they made great noise there."[1]

The great Cotton himself narrowly escaped. Prior to the trial of Mrs. Hutchinson, his brother ministers, fearing that he had become contaminated by his association with Mrs. Hutchinson and Wheelwright, had labored with him in order to eradicate the hidden germs of religious heresy, and with such success that the differences between Cotton and his brethren diminished "so as, except men of good understanding, and such as knew the bottom of the tenets of those of the other party, few could see where the difference was."[2] To make sure that he had been thoroughly disinfected, he was subjected to a rigid inspection. Some of the ministers "drew out sixteen points" upon which he was closely catechised. "Some doubts he well cleared, but in some others he gave not satisfaction."[3] At the trial of Mrs. Hutchinson the Theocracy was at high tide, and it was then undoubtedly evident to Cotton, as it was to every one else, that little more effort would be made to persuade him, and that, if he dared openly to avow the sentiments of Mrs. Hutchinson and Wheelwright, he would as certainly and as relentlessly be swept away as they had been. Cotton therefore yielded and persisted in his effort to regain his former standing until he had sufficiently established his or-

[1] Vol. 1, p. 73.
[2] Winthrop, Vol. 1, p. 221.
[3] Winthrop, Vol. 1, p. 212.

thodoxy, "and by that means," says Hubbard,[1] "did that reverend and worthy minister of the gospel recover his former splendour," and thereafter he continued to be a bright and shining light and chosen champion against all "errors."

In 1646 what seemed at first to be a very formidable and dangerous opposition appeared in the form of a petition presented to the General Court by William Vassal, Samuel Maverick, Robert Child and others, complaining of the failure of the colony to acknowledge the supremacy of the laws of England, and the denial to those, who were not members of the churches recognized by the colonists as orthodox, of their civil and religious rights as Englishmen, and praying that they might be allowed the privileges then refused them or be freed from the taxes and other burdens imposed upon them, and concluding with an ominous threat that, if their petition were not granted, "we and they shall be necessitated to apply our humble desires to the Honorable Houses of Parliament." Their petition having been refused, they prayed an appeal to the Commissioners of Plantations in England, but this prayer was also refused. Some of them being about to start to England to lay in their complaints, their papers were seized, and among them was found a petition to the Commissioners of Plantations, alleging the grievances complained of in the petition to the General Court, and praying the same relief, also charging various usurpations of authority and treasonable conduct and speeches of the authorities and ministers, and asking

[1] *Hist. N. E.*, Mass. Hist. Coll., 2d Ser., Vol. 5, p. 302.

the appointment of a royal governor "or some honourable commissioners."

The signers to the petition were heavily fined. Maverick and Child and some others got back to England and there renewed their complaints, causing the colonists great alarm; but Cromwell and the Independents were then in power in England and they were the steadfast friends of the authorities in Massachusetts. Mr. Winslow was instructed to defend the colonists against the petitioners, "and by his prudent management and the credit and esteem he was in with many of the members of parliament and principal persons then in power, he prevented any prejudice to the colony."[1]

Notwithstanding the fact that so many heretics had been banished or subdued, religious controversies did not cease. The Baptists had not yet been effectually silenced and another humiliating chapter was added to the history of religious persecutions in Massachusetts. The law against the Baptists, passed in 1644, has already been mentioned. Numbers of them were fined, whipped and banished.

The treatment of John Clarke, John Crandall, and Obadiah Holmes illustrates the severity with which the Baptists were persecuted. All of them were prominent citizens of Rhode Island, who had fled to that colony from Massachusetts on account of their religious belief. Clarke and Holmes were Baptist ministers. The latter had been educated at Oxford. In 1651, William Witter, an aged, blind and infirm Baptist at Lynn, requested that some of his Baptist

[1] Hutchinson, Vol. 1, pp. 136–140.

brethren in Rhode Island might be sent to administer the sacrament to him, and Clarke, Crandall and Holmes visited him for that purpose. Before this time Holmes had rendered himself specially obnoxious to the Massachusetts authorities. On the next day, Sunday, two constables entered Witter's house, where Clarke was preaching to a few friends, and arrested the preacher and his companions. As the beginning of their punishment, they were taken to the orthodox church in Lynn and compelled to listen to the preaching of the minister, Mr. Whiting. The next day they were taken to Boston and imprisoned. Cotton, after his escape from condemnation as a heretic, never lost an opportunity of parading his own orthodoxy, and he improved the present occasion by preaching a sermon, in which he is reported to have said, "that denying Infants Baptism would overthrow all, and this was a capitall offence; and, therefore, *they were foul murthurers.*" Endicott, in order to impress upon them the leniency of the authorities, told them that they deserved to die, but that their lives would be spared. All were fined, Holmes being fined most heavily, with the further penalty of being whipped for non-payment. Holmes refusing to pay, or to allow his friends to pay, his fine, was stripped and flogged. While he was being so punished, two of the bystanders, taking pity upon him, shook hands with him and expressed their sympathy, whereupon they also were fined. So fully had the spirit of persecution possessed the authorities that they caused the old and blind Witter to be presented

to the next Salem court, "for neglecting discourses *and being rebaptized.*"[1]

A few years later (in 1654) Henry Dunster, the first president of Harvard College, was degraded from office for his denial of the validity of infant baptism.

There were other persecutions of the Baptists, but, notwithstanding the fines, imprisonments and banishments, they persisted in maintaining their faith. The opposition to the persecution of men for their religious opinions grew steadily, and every new persecution increased the popular discontent, until in 1665 the Baptists established a church in Boston, where they have maintained a church organization from that day to this.

Other far more persistent and more resolute foes now appeared to oppose and plague the pious Puritans. George Fox, the Quaker, had appeared in England, and he and his converts had thrown that kingdom into a tumult by their outlandish conduct and crazy utterances. Some of his disciples crossed the Atlantic, and in 1656 two Quaker women, Ann Austin and Mary Fisher, boldly invaded the Massachusetts commonwealth. They seemed to take delight in tormenting and defying the authorities. The laws enacted against them have been mentioned. The fines, imprisonments and scourgings, which were inflicted for violations of these laws, proved utterly unavailing to keep out or to drive out these, by far the most persistent of all the "pestilent heretics" who had ever before opposed or vexed the com-

[1] *Ill Newes from New England*, 2 Mass. His. Coll., 4th Ser., p. 1, *et seq.*; *The Puritan Age*, pp. 390-4.

monwealth authorities. Then banishment followed. The penalty for returning after banishment was death. But some of those banished persisted in returning, as if for the express purpose of defying the authorities of the commonwealth, regardless of the legal penalty.

To the authorities it seemed that to waver now was virtually, not only to surrender to law-breakers, but to abdicate in their favor. The authorities did not waver. One of those who had returned after banishment was sentenced to be hanged. But still the Quakers came. Then another was sentenced to be hanged, and then another, and then another, until four ghastly corpses, three men and one woman, hung in sight of heaven and men—mute witnesses, more convincing by far in death than in life, giving awful proof of the impotency of the Theocracy to make all God's children think alike, and of the immutable fact that hanging a man, who sincerely believes that he is right, is the least effective of all arguments to convince him that he is wrong.

There was one more death sentence—that of Wenlock Christison—but it never was executed. There were to be no more hangings in the Massachusetts commonwealth of men and women for their opinions. "The compassion of the people," says Hutchinson, "was moved, and many resorted to the prison by day and night, and upon a representation of the keeper a constant watch was kept round the prison to keep people off."[1]

The law affixing the death penalty for the return of

[1] Vol. I, p. 185.

banished Quakers had been passed by a slender majority. When the victims of the former trials were led to the scaffold armed troops accompanied them to the place of execution, and patrols were posted about the town to prevent an uprising of the people and a possible rescue. The popular discontent was unmistakable and threatening. Upon the trial of Christison the triers manifested unwonted hesitation. They deliberated two weeks, and only the overpowering influence of Endicott induced them to yield an unwilling verdict. The sentence never was executed. The execution of it might have precipitated a rebellion.

Next came a message from the king of England, commanding that there should be no more executions and that those confined in prison should be sent to England for trial. To the imperious will of Endicott was presented the hard alternative of releasing the prisoners, or acknowledging the right of English courts to try offenders against the laws of the commonwealth. The consequences to be apprehended from the latter course were to be feared far more than the consequences of the first, and so the bolts were loosed and men came forth free who had expected never more to walk in heaven's sunshine except from the prison to the scaffold.[1]

There were more whippings and civil punishments after that, but at last the bloody record was closed; "the contest of will was at an end. The trial that was to decide which party would hold out longest had been made and the Quakers had conquered."[2]

[1] The poet Whittier has commemorated the glad day for the Quakers in the "King's Missive," to which poem is given the post of honor in the *Memorial History of Boston.*

[2] Palfrey, Vol. 2, p. 481.

XI

RISE AND FALL OF THE THEOCRACY

We can not severely censure the authorities of the commonwealth for their harsh treatment of some whom they refused to tolerate. Soon after the settlement of the colony there began to flock thither from England men with all kinds of notions, which they were not backward in propagating and which were subversive, or thought to be so, not only of the religious, but of the political foundations of the commonwealth. "They were all," says Oliver,[1] who can not be suspected of a desire to excuse or apologize for Puritan intolerance, "characterized by offensive qualities, and some of their peculiarities almost justify the extravagant language in which the Puritan historian was accustomed to clothe his relations."

Of these the Familists were fair samples, and, in speaking of them, Oliver seems to be "almost persuaded" to take the side of the Puritans. Of the Familists he says:

"Among the first victims of the Puritan Church were the Familists. These singular maniacs, who styled themselves 'The Family of Love,' owed their origin to David George, of Delft, an enthusiast who believed himself the Messiah.

[1] *The Puritan Commonwealth*, p. 194.

They branched off into the various sects of Grindletonians, Familists of the Mountains, of the Valleys, of Cape Order, of the Scattered Flock, etc. They renounced the principal doctrines of Christianity, which they held to be superseded by the advent of David George, and are said to have practiced among themselves the grossest libertinism.''[1]

The effect of their teachings is seen in the case of Samuel Gorton, one of the most noted of the Familists, who, wherever he went, immediately stirred up a quarrel, not only with the churches, but also with the civil authorities. The toleration of such fanatics would have been much more difficult and much more dangerous, at that period in the history of the commonwealth, than would be the toleration of anarchists in any of the states in the Union to-day.

The same excuse can not, however, be made for the persecutions of the Baptists and the Quakers. It has sometimes been attempted to excuse the hanging of the Quakers on the ground that they were not hanged for persisting in their religious opinions, but for returning after banishment. For a long time the standard apology was expressed, with more or less elaboration, but substantially according to the following formula:

''A law was passed prohibiting Quakers from coming into the colony, imposing the penalty of banishment upon the first offence, and of death upon such as should return after banishment. Four, who were so infatuated as to return and obtrude themselves upon the notice of the government, suffered the death which they appeared to seek.''[2]

[1] *The Puritan Commonwealth*, p. 194.

[2] Hale's *His. United States*, p. 37.

This does not help the matter, for, as maintained by Mr. Hallowell and the Quaker historians, the rulers of the commonwealth had no more authority to banish the Quakers than they had to hang them. The claim of right to banish them is based upon the assumption that the country belonged to the Massachusetts Company, and that the members of it had a lawful right to admit or to keep out whom they pleased, and that, when they found any here whose religious views and practices conflicted with their own, they were justified in treating such comers as intruders and in expelling them from the company's territory.

But the assumption upon which this argument is based has no solid foundation. It is incredible that King Charles or the Parliament intended to couple with the gift of the large territory granted to the Puritans authority to keep out of it every one that did not profess the latter's religious opinions—even members of the established church of England. No clause in the charter can be so distorted as to bear such a construction. On the contrary it was expressly provided in the charter,

"That all and every of the subjects of us, our Heirs and Successors, which shall goe to and inhabite within the saide Lands and Premises hereby mentioned to be graunted, and every of their Children which shall happen to be borne there, or on the seas in going thither, or retorning from thence, shall have and enjoy all liberties and Immunities of free and Natural subjects within any of the Domynions of Us, our Heirs or Successors, to all intents, Constructions, and Purposes whatsoever, as yf they and everie of them were borne within the Realm of England."

With respect to the right of Baptists, Quakers, and others that were not Puritans, to come here and live here, and enjoy their own religious views and methods of worship as freely as they might in England, we must admit that this much at least was guaranteed by the charter itself. And a fair and reasonable interpretation of the charter leads to the conclusion that there was nothing in it justifying their exclusion from the exercise of the right to vote and from other privileges of citizenship.

Another claim urged in behalf of the Puritans is, that the commonwealth would have gone to pieces if unlimited religious tolerance had been permitted; but Mr. Charles Francis Adams[1] answers this by showing that, upon a similar assumption, the defense of religious intolerance at all times and in all countries has been based.

So that, after all, the most that can be said in palliation of these Puritan persecutions is, that the persecutors were sincere in their belief that they had a right to do as they did, and that, in entertaining and acting on such belief, they were no more intolerant than were other civilized people of the same period.

Of the Quakers it may be said further that they gave such provocation as was certain in that age, and would be almost as certain in this, to arouse the most angry and hostile opposition. For the Quakers of those times were as different from the Quakers of to-day as the Puritans were different from their descendants who are now living.

It has been asserted that the Quaker women carried

[1] *Massachusetts, Its Historians and Its History.*

their insulting defiance to the extent of exhibiting themselves in a nude condition to the gaze of Puritans assembled for religious worship. This is not denied by their defender, Mr. Hallowell, but his explanation is that the women who so acted were not in their right minds, or that they were goaded to such unseemly exhibitions by Puritan persecutions. Be this as it may, it can not be denied that the Quakers went far beyond the bounds of propriety and decency in their efforts to annoy and tantalize the Puritans.

In our own day the conduct of the Salvation Army has often provoked riots. But the wildest antics of the Salvationists bear no comparison to the carefully premeditated and offensive insults of the Quakers to the Puritans. Sometimes these gentle disciples of Fox would run howling through the streets, proclaiming that the Lord was coming with fire and sword to exterminate their Puritan brethren; at other times they appeared in the churches in outlandish garb, sometimes with blackened faces, and openly reviled the preacher and denounced woe upon the congregation; at other times they broke empty bottles before the preacher's face, reminding him of his emptiness and that the Lord would likewise dash him in pieces.

Hutchinson wrote his "History of Massachusetts" a hundred years after the Quaker persecutions. He is generally regarded as a careful and accurate historian. He is certainly not a thick and thin apologist for the Puritans. He says:[1]

"Some at Salem, Hampton, Newbury and other places,

[1] *His. Mass.*, Vol. 1, p. 187.

for disorderly behaviour, putting people in terror, coming into the congregations and calling to the minister in the time of public worship, declaring their preaching, &c., to be an abomination to the Lord, and other breaches of the peace, were ordered to be whipped by the authority of the county courts or particular magistrates. At Boston one George Wilson, and at Cambridge Elizabeth Horton, went crying through the streets, that the Lord was coming with fire and sword to plead with them. Thomas Newhouse went into the meeting-house at Boston with a couple of glass bottles, and broke them before the congregation, and threatened, 'Thus will the Lord break you in pieces.' Another time M. Brewster came in with her face smeared and as black as a coal. Deborah Wilson went through the streets of Salem, naked as she came into the world, for which she was well whipped. For these and such like disturbances they might be declared proper subjects either of a mad-house or house of correction, and it is to be lamented that any greater severities were made use of.''

Such conduct in any church to-day would probably provoke rough handling of the intruder. It certainly would land him in jail, and he might deem himself lucky if he escaped with no worse punishment.

Long before the end of the commonwealth itself hostile forces were slowly but surely undermining the power of the Theocracy. The Theocracy contained in itself the elements of its own destruction. It was based upon the idea of forcing all men to believe alike. The effort to do so always breeds discord, and the men who attempt it generally end by disagreeing among themselves. That was the course of the Massachusetts Theocracy. The members of

it not only failed in their effort to compel others to believe as they did, but they were continually disagreeing with one another.

New doctrines and new sects soon began to spring up with amazing rapidity. The attempts to repress them only strengthened them and created further schisms. Every day it was becoming more and more difficult to designate those of the genuine orthodox stamp. "Eighty-two 'pestilent heresies' were counted as having already sprung up in 1637; others say one hundred and six; others two hundred and ten."[1]

At the first synod held at Newtown, in 1637, "there were about eighty opinions, some blasphemous, others erroneous, and all unsafe, condemned by the whole assembly."[2]

Besides the "erroneous opinions" discussed by the synod in 1637 there were also found to be nine "unwholesome expressions" and divers "scriptures abused." What these erroneous and heretical opinions were "is written," says Mr. Savage,[3] "in 'A short Story of the Rise, Reign and Ruin of Antinomians, Familists, and Libertines, that infected the churches of New England,' by Thomas Welde, who was one of the chief inquisitors."

But it is not material to the modern layman what were the heretical opinions, since those approved by the synod as orthodox are equally unintelligible.

"After the errors condemned, there were five points in question, between Mr. Cotton and Mr. Wheelwright on the

[1] T. W. Higginson: *The Puritan Minister*, 12 Atl. Mon. 265–278.
[2] Winthrop, Vol. 1, p. 238. See Ellis, *Puritan Age*, 330–333.
[3] Winthrop, Vol. 1, p. 238, note 1.

one part, and the rest of the elders on the other part, which were after reduced to three, and those after put into such expressions as Mr. Cotton and they agreed, but Mr. Wheelwright did not:

"1. The first was about our union with Christ. The question was, whether we were united before we had active faith. The consent was, that there was no marriage union with Christ before actual faith, which is more than habitual.

"2. The second was, about evidencing justification by sanctification. The consent was, that some saving sanctifications (as faith, etc.) were coexistent, concurrent, and coapparent (or at least might be) with the witness of the Spirit always.

"3. That the new creature is not the person of a believer, but a body of saving graces in such a one; and that Christ, as a head, doth enliven or quicken, preserve and act the same, but Christ himself is no part of this new creature.

"4. That though, in effectual calling, (in which the answer of the soul is by active faith, wrought at the same instant by the Spirit,) justification and sanctification be all together in them; yet God doth not justify a man, before he be effectually called, and so a believer.

"5. That Christ and his benefits may be offered and exhibited to a man under a covenant of works, but not in or by a covenant of works."[1]

Moreover "other opinions brake out publicly in the church of Boston,—as that the Holy Ghost dwelt in a believer as in Heaven; that a man is justified before he believes; and that faith is no cause of justification. And others spread more secretly,—as that the letter of the scripture holds forth nothing but a covenant of works; and that the covenant of grace was the spirit of the scripture, which was known only to believers; and that this covenant of works was given by Moses in the ten commandments; that

[1] Winthrop, Vol. 1, p. 239.

there was a seed (viz., Abraham's carnal seed) went along in this, and there was a spirit and life in it, by virtue whereof a man might attain to any sanctification in gifts and graces, and might have spiritual and continual communion with Jesus Christ, and yet be damned. After, it was granted, that faith was before justification, but it was only passive, an empty vessel, etc.; but in conclusion, the ground of all was found to be assurance by immediate revelation.

"All the congregation of Boston, except four or five, closed with these opinions, or the most of them; but one of the brethren wrote against them, and bore witness to the truth; together with the pastor, and very few others joined with them."[1]

It was in 1636, during the Antinomian troubles, that religious vagaries and the dissensions growing out of them reached their greatest height. Few now know what were the doctrines included under the term Antinomianism. They are not quite so interesting as the relics of the Saurian age, but those who wish to know what they were will probably find in Dr. Ellis's "Puritan Age"[2] as lucid an explanation of them as it is possible to impart to modern laymen.

"The differences in the said points of religion," says Winthrop, "increased more and more, and the ministers of both sides (there being only Mr. Cotton of one party) did publicly declare their judgments in some of them, so as all men's mouths were full of them. * * * Thus every occasion increased the contention, and caused great alienation of minds; and the members of Boston (frequenting the lectures of other ministers) did make much dis-

[1] Winthrop, Vol. 1, p. 211.

[2] Chap. 9.

turbance by public questions, and objections to their doctrines, which did any way disagree from their opinions; and it began to be as common here to distinguish between men, by being under a covenant of grace or a covenant of works, as in other countries between Protestants and Papists."[1]

So thoroughly had the people of Boston become inoculated with "errors" that in 1636, as has already been mentioned, it was deemed unsafe to hold the General Court there, and it was moved that the next one be held at Newtown.

"The town and country," says Hutchinson,[2] "were distracted with these subtleties, and every man and woman who had brains enough to form some imperfect conception of them, inferred and maintained some other point."

The contagion of "error" spread to the General Court itself and infected members so that "when any matter about these new opinions was mentioned the court was divided," though the "greater number far were sound."[3]

In the strife about theological quibbles, the mad wrangle over metaphysical abstractions, the plain and simple teachings of Jesus seem to have been almost forgotten; the community was convulsed; men's faith was unsettled; and there was imminent danger of an explosion, liable to shatter into fragments both the Puritan creed and the Puritan government.

[1] Vol. I, 213–214.
[2] Vol. I, p. 58.
[3] Winthrop, Vol. I, p. 214.

After Mrs. Hutchinson's banishment it was found that many in Boston were tainted with various secret opinions. Winthrop says:

"Some of the secret opinions were these:

"That there is no inherent righteousness in a child of God.

"That neither absolute nor conditional promises belong to a Christian.

"That we are not bound to the law, not as a rule, etc.

"That the Sabbath is but as other days.

"That the soul is mortal, till it be united to Christ, and then it is annihilated, and the body also, and a new given by Christ.

"That there is no resurrection of the body."[1]

Notwithstanding the banishment of Mrs. Hutchinson and Wheelwright and their followers, "errors" continued to thrive, and in May, 1646, the General Court entered upon its records a long recital, setting forth the necessity of establishing the right form of church government and discipline "by ye joynt & publike agreement & consent of churches & by ye sanction of civill authority," which "must needs greatly conduce to ye honor & glory of our Lord Jesus Christ & to ye settleing & safety of church & Commonwealth," and stating that differences of opinion had arisen about infant baptism and other questions, about which "all members of the churches (though godly & faithfull) are not yet clearly satisfied," and appointed "a publike assembly of the elders & other messengers of the severall churches

[1] Vol. 1, p. 253.

within this jurisdiction, who may come together & meete at Cambridge upon the first day of September now next ensueing, there to discusse, dispute & cleare up, by the word of God, such questions of church government & discipline in ye things afore mentioned, or any other as they shall thinke needfull & meete."[1] Later the synod was also requested "to set fourth a confession of ye faith we do professe touching ye doctrinall part of religion also."[2]

This synod promulgated in 1648 what is known as the Cambridge Platform, adopting the Westminster Confession, and declaring that it was the duty of the civil magistrates to suppress heresy. The result of their deliberations was embodied in a book "intituled a Platforme of Church Discipline out of the Word of God &c," and in 1649 this, by order of the General Court, was "commended to the judicious & pious consideration of the severall churches within this jurisdiction," and having been approved, was adopted in 1651.[3] This event is supposed by Mr. Fiske[4] to have completed the theocratic organization of the Puritan commonwealth.

Still erroneous opinions and pestilent heresies continued to spring up. Five synods were held between 1637 and 1680,[5] "for the preventing schisms, heresies, profaneness, and the establishment of churches in one faith and order of the Gospel"; but the last came no nearer accomplishing its purpose than did

[1] Mass. Rec., Vol. 2, pp. 154–8.
[2] Mass. Rec., Vol. 2, p. 200.
[3] Mass. Rec., Vol. 2, p. 285.
[4] *Beginnings of New Eng.*, p. 177.
[5] Palfrey, Vol. 3, 330, note 2.

the first. All utterly failed to make men think alike in their religious belief. Not one heretical sect had been rooted out; and new ones were springing up on every hand, until it must have seemed to the Puritan clergy that Satan himself had conjured out of the lower depths, to perplex and terrify their souls, the innumerable hosts of heresies that swarmed about them.

Again, commerce was expanding, both domestic and foreign. Commercial transactions could not be carried on in strict accord with Mr. Cotton's "rules for trading," and the commercial interests were continually clashing with the harsh restrictions imposed by the Theocracy upon trade and commercial intercourse.

Another potent factor, antagonistic to the Theocracy, was the growth of republican ideas. The seed had been planted and a republic grew even in the shade of the Theocracy. How it grew will be shown in subsequent chapters.

Certain it is that a great majority of the people in Massachusetts were opposed to the rigorous measures against the Baptists and the Quakers. It is said that Winthrop, upon his death-bed,[1] when pressed by Dudley to sign an order for the banishment of some heterodox person, refused, saying that "he had done too much of that work already."

So that, even if the charter had not been revoked and if there had been no further royal interference, it is probable that the Theocracy could not have lasted many more years.

[1] Hutchinson, Vol. 1, p. 142.

But the revocation of the charter, which ended the commonwealth, also gave a death blow to the Theocracy. Its power was broken and shattered never again to be restored, and the dream of a Biblical commonwealth vanished forever.

It would be unjust to the ministers to assume that they were all fanatics; still more unjust to say that they were not sincere; it would be preposterous to suppose that they were such hideous monsters, such fiendish hypocrites, as they have been painted by Oliver and Brooks Adams. The latter in speaking of the connection of the ministers with the witchcraft delusion[1] says:

"Although, at a moment when the panic had got beyond control, even the most ultra of the clergy had been forced by their own danger to counsel moderation, the conservatives were by no means ready to abandon their potent allies from the lower world; the power they gave was too alluring. * * * They therefore saw the constant acquittals, the abandonment of prosecutions and the growth of incredulity with regret. * * * Men with such beliefs and lured onward by such temptations, were incapable of letting the tremendous power superstition gave them slip from their grasp without an effort on their own behalf, and accordingly it was not long before the Mathers were once more at work."

Here is a distinct and deliberate charge that the "priests" were malignant, hypocritical human fiends, willing, in order to strengthen their own power, to encourage belief in a wretched delusion which was making the land red with the blood of its victims and was sapping the very foundations of the community.

[1] *Emancipation of Massachusetts*, pp. 230–32.

And this charge is made without any evidence to support it, other than the isolated expressions of a few, not sufficient to justify so shocking an accusation even against them.

It is scarcely necessary to add that the frightful specters which Mr. Adams sees are not real human beings; they are "the gloomy companions of a diseased imagination," conjured up by some frenzy which Junius characterizes as "the melancholy madness of poetry without its inspiration."

We ought never to forget that after the fall of the commonwealth, when Massachusetts lay prostrate and helpless under the feet of Andros, the five Puritan ministers of Boston, to quote the striking language of Mr. Foote,[1] "were the steel point of the spear which Massachusetts held steadily before her breast." Foremost of them all was Increase Mather. Nor should we forget that, from that time until the Revolution, the New England clergy stood fast by the side of the people in their struggle for independence. The clergy was never subdued, and from New England pulpits there never failed to come inspiration to the people and defiance to their oppressors.

Dr. Ellis says, and rightly, too, that, in forming our conclusions concerning the religious and political persecutions by the Puritans of the commonwealth period, we should judge them by the ideas of the age in which they lived, and not by the ideas of religious and political toleration which are the product of centuries of thought and experience. Mr. Charles Francis Adams meets this argument by the assertion

[1] *Rise of Dissenting Faiths*, Mem. Hist. of Boston, Vol. I, p. 205.

that it is illogical to apply it in favor of men who advocated religious and political toleration for themselves on the east side of the Atlantic, but denied it to others on the west side. The impression evidently sought to be conveyed by Mr. Adams is, that the Puritans themselves were hypocritical, or at least inconsistent.

But the Puritans made no claim to being the champions of religious and political toleration, as we now understand these terms, on either side of the Atlantic. They did not affirm that the state or the church should tolerate political or religious heresies, on the ground that men had a right to entertain them and to advocate them, even though they were heresies.

We of this age and country generally concede that a man may believe and advocate what doctrines he pleases, however erroneous we may deem them, because, without this concession, we can not have free speech and a free press; just as we allow every man to vote as he pleases, because, otherwise, we can not have a free ballot. But in the age in which they lived neither the Puritans nor any other people were familiar with such exalted ideas of religious and political toleration. These are the product of ages, welded in the fires of persecution and tempered by the blood of countless martyrs.

The Puritans did not pretend that the English government ought to tolerate their opinions, regardless of what they might be. They fully and sincerely believed, as it was then almost universally believed in England and in all the American colonies, that re-

ligious and political heresies should be put down, and that, in putting them down, it was justifiable to inflict the last penalty of the law. If they could have been convinced that their own opinions were erroneous, they would have conceded fully the right of state and church to forbid the advocacy of them. What they maintained was, that it was wrong for the English government to punish their religious views, not because it had no right to punish men for advocating heretical views but because their views were *not* heretical, and they asserted for themselves, on this side of the Atlantic, the right to punish the persons whom they did punish for their religious views, because, as they believed, such views *were* heretical, and dangerous to their church and state. In other words, shortly stated, the Puritans conceded the right to suppress heresies, and in exercising it they arrogated no greater authority to themselves than they conceded to others. But they contended that the opinions which they themselves entertained, and for which they were punished in England, were not heresies, while the opinions of those who oppressed and opposed them were heresies.

So while the Puritans, as we now look at the matter, were wrong in these persecutions, they were not inconsistent, and to their mistakes and faults, grievous as they were, we should not add the sin of hypocrisy. Whatever else they were, they were not hypocrites. They did not "devour widows' houses *and for a pretence* make long prayers." They were intensely earnest in all their religious and political convictions. Among them, undoubtedly, were some

who could stand by without flinching and see another burned at the stake for his opinions; but these same men would unhesitatingly have taken the victim's place in vindication of their own. The death of the Rev. Hugh Peter illustrates a type of Puritan heroism that was not rare. He was one of the early colonists in Massachusetts and took an active part in the trial of Ann Hutchinson. After residing seven years in the colony, he returned to England and became one of the staunchest of Cromwell's supporters in the civil war. He was prominent in the army and stood armed on the scaffold at the execution of Archbishop Laud. After the restoration of Charles II, he was tried, convicted and sentenced to be executed for treason. John Coke, who had received the same sentence, was executed first, and in the presence of Peter was butchered with all the diabolical art of the age. He was first hanged, then cut down alive, disembowled, his head cut off and his body quartered. The executioner, reeking with blood, after all this had been accomplished in full view of Peter, turned to him and asked him with savage glee: "Mr. Peter, how like you that work?" Undaunted, he replied: "You have butchered one of the servants of God before my eyes and have forced me to see it in order to terrify and discourage me; but God has permitted it for my support and encouragement," and he submitted to his own doom with unflinching fortitude. Such was what might be called the heroism of the intolerance of that age, the only quality it had upon which we,

in this age, can base even a feeble apology for it. Of whatever there was heroic in it the Puritans presented the highest types.

If they were not in advance of the times, they were not behind them, in their views of religious and political toleration, and we shall fall into a grievous error if we suppose that all the religious intolerance and bigotry of that age were concentrated in Massachusetts during the period of the commonwealth. Divesting ourselves of either sympathy or prejudice, we need not be surprised to find that the idea of religious and political toleration had not made much headway among the early Puritans. It was an age of religious and political intolerance.

The history of the 17th century and of the preceding centuries presents a frightful picture of religious persecutions. In the picture there are always a gallows, a hangman, and a victim. The figures at the gallows change every moment like those in a kaleidoscope. Catholics, Protestants, Puritans, Quakers, Baptists, religious martyrs of every creed, appear and disappear in endless succession. The hangman and the victim seem to be continually changing places. The gallows alone remains fixed. It never changes and the hanging never stops.

In justice to the Puritans we should bear in mind that most of the other American colonies, no matter by whom settled or controlled, were equally intolerant. The Quakers were persecuted almost everywhere except in Rhode Island and Pennsylvania. So late as 1660, a law of Maryland, styled Quaker preachers "vagabonds," and authorized them to be

apprehended and whipped. Baptists fared little better anywhere than did the Quakers. They were persecuted in all the colonies and enjoyed no freedom except in Rhode Island, Pennsylvania and Delaware. New York and most of the colonies had laws against the Catholics. In 1664 we find the Maryland assembly, in a law against blasphemy, including in a general sweep, "Schismatic, Idolater, Puritan, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, etc."[1]

If the Quakers were not hanged in Virginia, it was not because of the leniency of the law-makers, but was owing probably to the fact that none who were banished ventured to return. The Virginia act, passed in 1660, was as follows:[2]

"An Act for the suppressing the Quakers.

"Whereas there is an unreasonable and turbulent sort of people, comonly called Quakers, who contrary to the law do dayly gather together unto them unlaw'll Assemblies and congregations of people teaching and publishing, lies, miracles, false visions, prophecies and doctrines, which have influence upon the comunities of men both ecclesiasticall and civil endeavouring and attemping thereby to destroy religion, lawes, comunities and all bonds of civil societie, leaveing it arbitrarie to everie vaine and vitious person whether men shall be safe, lawes established, offenders punished, and Governours rule, hereby disturbing the publique peace and just interest, to prevent and restraine which mischiefe, *It is enacted*, That no master or comander of any shipp or other vessell do bring into this collonie any

[1] Dillon's *Oddities of Colonial Legislation*, 21–84; Hildreth's *History United States*, Vol. 1, pp. 514, 519; Dr. Hurst on *Religious Development*, in First Century of the Republic, 473.

[2] Hening's *Statutes at Large*, Vol. 1, pp. 532–3.

person or persons called Quakers, under the penalty of one hundred pounds sterling to be leavied upon him and his estate by order from the Governour and Council or the comissioners in the severall counties where such shipps shall arrive, That all such Quakers as have beene questioned or shall hereafter arrive shall be apprehended wheresoever they shall be found and they be imprisoned without baile or mainprize till they do abjure this country or putt in security with all speed to depart the collonie and not to returne again: And if any should dare to presume to returne hither after such departure to be proceeded against as contemners of the lawes and magistracy and punished accordingly; and caused again to depart the country, And if they should the third time be so audacious and impudent as to returne hither to be proceeded against as ffelons. That noe person shall entertain any of the Quakers that have heretofore been questioned by the Governour and Council, or which shall hereafter be questioned, nor permit in or near his house any Assemblies of Quakers in the like penalty of one hundred pound sterling, That comissioners and officers are hereby required and authorized as they will answer the contrary at their perill to take notice of this act to see it fully effected and executed, And that no person do presume on their peril to dispose or publish their bookes, pamphlets or libells bearing the title of their tenents and opinions."

Other laws were enacted in Virginia making it a finable offense to attend Quaker meetings, to bring Quakers to the colony or to entertain them after their arrival. In 1663 Mr. John Porter, one of the burgesses in the Virginia House of Representatives, was expelled for divers offenses, the chief of which was that he was "loving to the Quakers and stood well affected towards them."[1]

[1] Hening's *Statutes at Large*, Vol. 2, p. 198.

There was also a barbarous provision in the Virginia laws, to the effect that if any Quaker was unable to pay a fine assessed against him for violation of these laws, "then it shalbe lawfull to levy and recover the same from the *rest of the Quakers* or *other seperatists*, or any one of them then present, that are of greater ability to pay the said fine or fines."[1]

The Virginia law against Anabaptists made it a finable offense for any one to refuse to have his children baptized.

Nor would the Puritans have fared any better in Virginia than the Episcopalians fared in Massachusetts. Conformity to the Church of England was enjoined by law, and absence from church services was a finable offense. Another law expressly required "that the Gov. and Counsel do take care that *all* nonconformists upon notice of them shall be compelled to depart the collony with all conveniencie."[2] Daniel Gookin was driven from Virginia for nonconformity and went to Boston. In 1648 two Puritan ministers, who went from Massachusetts to Virginia, were banished from the latter state by Governor Berkley because they would not conform to the Church of England.[3] Others were fined and imprisoned and nearly all were driven out of the colony and compelled to seek refuge in Maryland and New England.[4] Indeed, so late as 1745, the Virginia judges were charging grand juries to find

[1] Hening's *Statutes at Large*, Vol. 2, p. 181.
[2] Hening's *Statutes at Large*, Vol. 1, p. 277.
[3] Winthrop, Vol. 2, p. 334.
[4] Cooke's *History Virginia*, 173.

bills of indictment against Methodists, Moravians and New Light Presbyterians.[1]

Even those who had themselves been banished from Massachusetts and who, at the time, complained most bitterly of the "intolerance" from which they had suffered, do not seem to have been any more tolerant to those who at a later period differed from them. This is shown by the experience of Samuel Gorton, the Familist. After leaving Massachusetts he went to Plymouth, and, having been forced to leave there, he went to Rhode Island, where, by order of Coddington, the governor, who had himself left Massachusetts on account of the alleged intolerance of the authorities, he was first imprisoned and then whipped. He then sought shelter at Providence, which was granted by Roger Williams, but he had not been there long until divers of the inhabitants sent a petition to the Massachusetts authorities "to lend them a neighbor-like helping hand to ease them of their burden," for the reason that "the said Gorton nor his company are not fit persons to be received in and made members of such a body in so weak a state as our town is in at present."[2]

When we listen to the bitter, and oftentimes flippant, denunciations of Puritan intolerance we are apt to forget that the progress of religious and political toleration is very slow, with a constant tendency to a relapse into intolerance of the rights of the minority, when the power passes into the hands of a large majority and the persons composing it are all of one

[1] Dillon's *Oddities of Colonial Legislation*, 267–269.

[2] Palfrey, Vol. 2, pp. 117–119; Hutchinson, Vol. 1, pp. 112–113.

way of thinking. The progress of religious and political toleration is due, not so much to advanced and liberal ideas of the right of others to differ from us in religious and political belief, as it is to the growing conviction that we must concede this right to others in order to secure it for ourselves. It was not Thomas Jefferson and the infidels who prevented the recognition of religion in the constitution of the United States. There were people then, as now, who clamored to have "God in the constitution." But every denomination that had suffered from religious persecution was opposed to taking any steps which might be the initiative to the renewal of such persecutions, and they feared that such a provision in the constitution would lead to the establishment by the government of the creed of some other denomination. In Virginia the most vigorous protests against levying a general assessment for the support of religion were from the Presbyterians, the Baptists, and the Quakers.[1]

It is indeed very easy to persuade ourselves that another man's "ism" is fanaticism, and it is very hard for us to distinguish between rightful repression of error and the persecution of those who differ from us in what we consider vital principles.

Religious and political intolerance in this country did not disappear with the decline of Puritanism. More than two hundred years after the persecution of the Quakers in Massachusetts there was a meeting in Boston of some respectable and pious women, engaged in what they conscientiously believed to be a

[1] Dr. Hurst in *First Century of the Republic*, 479.

philanthropic work. They had read a portion of the Bible and had offered up a prayer to God, when their place of meeting was surrounded by a howling, furious mob which dispersed the assembly. A man in sympathy with the object of the meeting was present. In those days he was called a fanatic. With wonderful persistence and devotion to principle he had established a newspaper in Boston, of which he was the chief editor, printer, and carrier. The principles he advocated did not please the mob and it thirsted for his blood. Having discovered him, the mob seized him, tore his clothes from him, and dragged him through the streets with a rope around his neck. Finally he was rescued by the mayor and some citizens and was put into the Leverett street jail to save him from being murdered. Upon the walls he wrote an inscription telling that he "was put into this cell on Monday afternoon October 21, 1835, to save him from the violence of a respectable and influential mob who sought to destroy him for preaching the abominable and dangerous doctrine that all men are created equal, and that all oppression is odious in the sight of God."

What was the object of this mob? It was to suppress the freedom of speech and of the press, that human slavery might be perpetuated. Was the action of the mob approved? Most certainly, and by a very large number of people of the United States, who, in different parts of the Union, engaged in similar and even more atrocious outrages. This was long after the "emancipation" of Massachusetts is supposed to have been accomplished. It

is hardly necessary to add that the members of the mob, their aiders, abettors and sympathizers, in Massachusetts and elsewhere in the United States, were not Puritans. The name of the man who was the object of the mob's vengeance does not "stand in a shadow." *Clarum et venerabile nomen.*[1]

Even the Quakers have not always been as tolerant as might be supposed from their denunciation of the intolerance of the Puritans. It seems that one of the first laws they passed in Rhode Island, after they had obtained a charter in 1663, was a law excluding Roman Catholics from the right to vote and to hold office.[2]

A still more significant and humiliating record of their attitude towards the Abolitionists is furnished by the records in Indiana. In that state in 1842, when the virus of slavery had well-nigh poisoned the whole nation, Abolitionism became unpopular, even among the Quakers.

"Strange as it may seem," says Mr. Coffin,[3] "to the rising generation who read the part of Friend's Discipline relating to slavery and who would naturally suppose that they would give their support to every movement opposing slavery, there was a spirit of opposition to Abolitionism attributable to various causes, which had almost imperceptibly crept in among Friends, and which manifested itself in the yearly meetings." "We were advised," he says, "not to unite in abolition societies nor to open our meeting-houses for abolition meetings. This took place at the yearly meeting in the fall of 1842. These advices were sent down to

[1] Wilson's *Rise and Fall of the Slave Power*, Vol. 1, p. 284.
[2] Hildreth's *His. United States*, Vol. 1, p. 461; Palfrey, Vol. 4, p. 472.
[3] *Reminiscences of Levi Coffin*, pp. 230–232.

quarterly and monthly meetings with a committee to see that they were carried out. Thus we had no alternative; we must separate or be disowned for opposing the advice of the body, as they called it." They were not hanged, it is true, nor banished from this land, but they were banished from the society. "We were proscribed," continues Mr. Coffin, "for simply adhering to what we believed to be our Christian duty, as consistent members of the Society of Friends in regard to the anti-slavery movement in uniting with others in anti-slavery societies, opening our meeting-houses for anti-slavery meetings to plead the cause of the oppressed, and laboring for the spread of anti-slavery truth in every way we could, consistent with our profession as Christians, we asked only liberty of conscience—freedom to act according to these conscientious convictions."

This testimony of Mr. Coffin is fully corroborated by Mr. George W. Julian, in a paper entitled, "The Rank of Charles Osborn as an Anti-Slavery Pioneer."[1] Osborn and several others were proscribed and driven out and spoken of as "gone, fallen, and out of the life," for persisting in the advocacy of abolition sentiments.

"It will probably be news to thousands," says Mr. Julian, "that the Quakers thus succumbed to the power of slavery; but such is the melancholy fact, and they have no right to escape history. Among the rank and file of the body in Indiana there were doubtless very many true anti-slavery men; but at the time of which I speak the chief rulers believed in colonization and gradual emancipation. They took special pains, in dealing with legislative bodies, slaveholders and the public, to inform them that they had no connection,

[1] Ind. His. Soc. Pub., Vol. 2, pp. 264-265.

in any way, with abolitionism. They so assured Henry Clay while in Richmond. Leading members frequently reiterated the charge that abolitionists had 'put back the cause of emancipation'; and some of them insisted that aiding slaves on their way to Canada involved men in the crime of man-stealing. Many of the rulers of the denomination in the eastern as well as the western states had 'their ears filled with cotton.' They discoursed very piously about the attempt of abolitionists 'to abolish slavery in their own strength,' and argued that paying men for anti-slavery lectures was opposed to the Quaker testimony against a 'hireling ministry.' Ministers, elders and overseers took the lead in these reactionary proceedings; and it was one of the curiosities of human nature to find the followers of John Woolman and Anthony Benezett laboring with their brethren for attending anti-slavery meetings, closing the doors of their churches against anti-slavery lectures, and setting up a system of espionage over the publication of anti-slavery articles by members of the society. Such men as Isaac T. Hopper, among the Hicksite Friends, and Arnold Buffum, among the Orthodox, were disowned for their fidelity to the slave. This work of proscription was generally based upon some false pretense, as was the fact in the case of Mr. Buffum. In dealing with Mr. Osborn and his associates, the Indiana yearly meeting did its best to cover up the ugly fact that they were degraded on account of their anti-slavery principles. With great dexterity in the use of scripture, much circumlocution, and a cunning and tergiversation that would have won the heart of Talleyrand or Loyola, they played their game of ecclesiastical tyranny; but the facts of the transaction, as now seen in the clear perspective of history, leave them perfectly unmasked. I have carefully examined the documents and papers pertaining to the controversy on both sides, and speak from the record. Strange as it may seem, the claims of justice were so completely

subordinated to the peace and unity of the society that even a deputation of English Friends, who came over as mediators in this trouble, utterly refused to look into the merits of the controversy, and insisted upon the unconditional return of the seceding members to the body which had so flagrantly trampled upon their rights. Humanity was forgotten in the service of a sect, and Quakerism itself disowned by its priesthood."

All this testimony goes to prove that the Quakers, with the awful example of Puritan intolerance, and the added advantage of the ideas and teachings of two hundred years of civilization, so late as 1842, had made no such marked advance over the Puritans in the direction of religious and political toleration as we might be led to expect from their opportunities and professions and from the vigor with which they abuse their former persecutors.

XII

PLANTING THE SEED OF A REPUBLIC; DEVELOPMENT OF THE TOWN SYSTEM AND LOCAL SELF-GOVERNMENT

The distinguishing feature in the government of the Massachusetts colony was the town system.

The idea of local self-government has become a fixed and marked feature of American government. A few years ago we saw 15,000 persons moving into Oklahoma Territory one night, an election held at 4 P. M. on the next day and all the machinery of local government put in motion. That could not have been accomplished anywhere in the world except in the United States, and its accomplishment is one of the results of the American principle of local self-government, which, if it did not originate in New England, was developed sooner and more fully there than anywhere else.

Local governments of one kind or another had existed for centuries in England and in the rude Germanic tribes.[1] Speaking of local self-government in America, Judge Cooley says that "the system is one which almost seems a part of the very nature of the race to which we belong," and that "in America the

[1] Howard's *Local Constitutional History of United States;* Pomeroy's *Constitutional Law*, 2d ed., secs. 158–164.

first settlers, as if instinctively, adopted it in their forms of government."[1]

Whatever may have been the origin of local self-government, the form of it which is presented in the New England town governments undoubtedly originated there. Nor does the New England town system seem to have been patterned after any known model. Nothing like it existed in England or elsewhere in America.

Some have supposed that the New England towns were patterned after the free cities of the twelfth century or the ancient Anglo-Saxon towns. Others have referred the origin of the New England town system to the signing of the compact in the cabin of the Mayflower. That was indeed one of the most striking events in history. He must be dead to every noble and generous impulse who can stand in Plymouth's Pilgrim Hall, surrounded by all the precious relics of our forefathers, and look upon the painting representing the signing of the compact without catching some of the inspiration of the painter. We see a little company of exiles three thousand miles from home, crowded in a small and leaky vessel, worn and weary with a voyage over stormy seas, leaving kindred and abandoning forever their birth-places and seeking a home in a far-off wilderness. We see men with brave and resolute hearts, preparing to bind themselves by solemn covenant to set up a government for the making of "just and equal laws." It is indeed a spectacle which men will never tire of praising. It touches a chord in human nature that will vibrate

[1] *Constitutional Lim.*, 5th ed., 227; see also Dillon's *Municipal Corporations*, Vol. 1, 3d ed., sec. 9.

to the end of time. But after all this has been said, we must say that the signing of the compact was not the origin of local self-government in America. It did not furnish a model of it, and it is certain that it had not the slightest influence in molding the town governments of New England.

It would seem, at first blush, as if the New England town governments arose spontaneously, but we know that there is nothing spontaneous in the formation of government any more than there is in nature. "Men did not wake on a summer morning," to quote from Mr. Mill,[1] "and find them growing." This much may be said, that they were *sui generis*. "They were not," says Prof. Joel Parker, "founded or modeled on precedent."[2] Prof. Parker says further:

"They were not contrived in the closet, nor in the hall of the legislative assembly, and brought into existence with the powers and duties which we find attached to them, by the enactment of a law for that purpose. They did not burst into mature life by any previous contrivance, but, like most other useful machinery, they had their origin in the wants of the time, and came into existence by a gradual process from imperfect beginnings."

Many of the laws of England would have been wholly unsuited to the early New England settle-

[1] *Representative Government.*

[2] Paper on *The Origin, Organization and Influence of the Towns of New England*, read December, 1865; Proc. Mass. His. Soc., 1866–7, p. 20; see further as to New England towns, Howard's *Local Constitutional History of United States*, Chap. on *Rise of the New England Town*, pp. 50–99; Abner G. Goodell, Jr., Paper on *Origin of Towns in Massachusetts*, read February, 1890; Proc. Mass. His. Soc., Vol. 5, 2d Ser., p. 320.

ments. The exigencies of the situation made it necessary to adopt many new laws and regulations. Moreover, each settlement was, to a great extent, isolated from the rest. For a long time the means of communication were difficult and often dangerous. Each settlement, therefore, in the nature of things, was left to devise a form of local government adapted to its own wants. In the formation of such a government the settlers doubtless had in mind the principles and forms of local government with which they had been familiar in England. Undoubtedly they had in mind the most advanced English ideas of political liberty, and especially the fundamental principles of the English constitution. And it is quite certain that they copied largely, in the formation of their scheme of town government, from the form of the church government of that branch of dissenters from the established church of England which afterward developed into the Congregational church in this country. Indeed the common name of "moderator" was applied alike to the presiding officers of both town and church meetings.

The causes above mentioned were the principal if not the only factors producing the system of New England town government.

However the system of local self-government may have originated, it became a fixed feature of government long before the adoption of any of our constitutions, national or state, and it is recognized impliedly, if not expressly, in all of them. The system was developed fully in the Massachusetts commonwealth. As soon as towns began to grow up the

necessity of some form of local government became apparent. The first is said to have been in Dorchester where the inhabitants met on October 8, 1633, and adopted the following:

"An agreement made by the whole Consent and vote of the Plantation, made Moone day 8th October 1633. Imprimis. It is ordered that for the Generall good and well ordering of the affayres of the plantation, there shall be every Mooneday before the Court by eight of the clocke in the morning and presently, upon the *beating of the drum* a generall meeting of the inhabitants of the plantation at the *Meeting House*, there to settle and sett downe such orders as may tend to the generall good as aforesayd, and every man to be bound thereby without gainsaying or resistance."[1]

Twelve selectmen were appointed to hold monthly meetings, with authority to make orders subject to the approval of the plantation.

The Dorchester plan is said to have served as a pattern for other towns, although Prof. Parker expresses the opinion that the plan of managing the affairs of the towns by selectmen, which afterwards became general, originated in Charlestown, where

"In 1635 'in consideration of the great trouble and charge of the inhabitants by reason of the frequent meeting of the townsmen in general, and that, by reeson of many men meeting, things were not so easily brought unto a joint issue,' they made a compact by which it was agreed by the townsmen jointly 'that eleven men, with the advice of

[1] Samuel J. Barrows, *Dorchester in the Colonial Period*, 1 Mem. Hist. of Boston, 427.

pastor and teacher, desired in any case of conscience, shall entreat of all such business as shall concern the townsmen, the choice of officers excepted; and what they or the greater part of them shall conclude, the rest of the town willingly submit to as their own proper act.' The eleven persons thus chosen were 'to continue in this employment for one year.' ''

In 1634 towns were authorized to select representatives, afterward called deputies, to represent them in General Court,[1] but they were not fully recognized and authorized to act as separate local municipalities until March 3, 1635-6, when the General Court made the following order:

''Whereas particular townes have many things which concerne only themselves & the ordering of their owne affaires, and disposeing of business in their owne towne, it is therefore ordered that the ffreemen of every towne, or the major parte of them shall onely have power to dispose of their owne lands & woods with all the prevelidges & appurtenances of the said townes, to graunt lotts & make such orders as may concerne the wellordering of their owne townes, not repugnant to the lawes & orders here established by the Generall Court, as also to lay mulks & penaltyes for the breach of theis orders & to levy & distreine the same, not exceeding the sum of 20s; also to chuse their owne particular officers, as constables, surveyors for the high wayes & the like.''

This order made further provisions for accounting by the constables to the General Court when called upon by it to do so.[2] Afterward this provision was incorporated in the Body of Liberties.[3]

[1] Mass. Rec., Vol. 1, p. 118.
[2] Mass. Rec., Vol. 1, p. 172, Col. Laws, 1660–1672, p. 195.
[3] Col. Laws 1660–1672, p. 47.

The chief officers of the town were the selectmen, who were elected yearly and whose number was not to exceed nine. These were invested with extensive powers in reference to ordering "the planting & prudential affaires of their Townes, according to instructions given them in writing."

Besides the selectmen, there was also a town clerk, whose office imposed important duties. There were also commissioners of rates, whose duties corresponded to those of assessors, highway surveyors, fence viewers, and later commissioners for the trial of small causes.

Chiefly upon the marshals or constables rested the duty of preserving order and observance of the laws. From May 1st to the last of September there were night watchmen, under the supervision of the constables, whose duty it was to "duely examine all Night-Walkers after ten of the clock at Night (unles they be known peacable Inhabitants) to enquire whither they are going, and what their busines is," and, in case they could not give a satisfactory explanation, then they were to be taken in custody until morning and then taken before the magistrate and compelled "to give satisfaction for their being abroad at that time of night." The watchmen were likewise to arrest all persons "behaving themselves any wayes debauchedly, or shall be in drink"; and to see "all Noises in the street stilled, and lights put out." The putting out of lights, however, was, partly at least, for the prevention of fires.[1]

The official business of the town was transacted in

[1] Col. Laws, 1660–1672, pp. 198–9.

town meetings. At these, as before stated, none but freemen were allowed to vote. The meetings were generally held in the meeting-house used for religious services, and they were opened with prayer. A moderator presided and had the casting vote. If he refused to put a question to vote the meeting might appoint "any other meete man of them to do it, And if there be just cause, to punish him that should and would not." The voting was by a show of hands or by dividing the house.

"Every man whether Inhabitant or fforreiner, free or not free," had liberty to come and "either by speech or writeing to move any lawfull, seasonable, and materiall question, or to present any necessary motion, complaint, petition, Bill or information, whereof that meeting hath proper Cognizance, so it be done in Convenient time, due order, and respective manner."[1] Any man behaving himself offensively at such meetings could be fined by those present "so be it the mulct or penaltie exceede not twentie shillings."

The cardinal idea of the New England town system was that the nearer government is brought to the people, the more clearly it shows their sentiments and reflects their will, and that this is the desideratum in local affairs. This was the New England idea of both civil and church government. Whatever was discussed in the town meetings was discussed thoroughly, and whatever action was taken by them was the result of intelligent and deliberate conviction. Therefore the vote of the people of New

[1] *Liberty No. 12*, Col. Laws 1660–1672, p. 35.

England in their town meetings was a far more reliable index to their sentiments than the vote of their representatives in either state or national legislature.

In these little democracies the cardinal principles of political equality, opposition to tyranny, and freedom of speech were taught, and taught in such a way that they were never forgotten.

The town system has continued in New England without substantial change to this day in all portions except large cities. Even Boston continued to be under the old system of government until 1822. The town meetings were not only schools for political debate and instruction, but they were nurseries for the propagation of republican principles. Nor does the town system diminish in importance by lapse of time and change of circumstances. It is to-day the strongest bulwark against centralization and usurpation of power by either national or state legislative departments. Mr. Bryce[1] says that "where it [the population] is of native American stock and the number of voting citizens is not too great for thorough and calm discussion, no better school of politics can be imagined, nor any method of managing local affairs more certain to prevent jobbery and waste, to stimulate vigilance and breed contentment."

It was chiefly through these town organizations that New England in the colonial period was enabled to maintain a school system so greatly superior to that of any other portion of the country.

As a political factor, the influence of the town organization was immense. "The town," says Mr.

[1] *American Commonwealth*, Vol. 1, p. 566.

Howard,[1] "was the political atom in a most vital sense."

The advantage which the town organization gave New England in the Revolutionary period is clearly shown by Professor Parker in the paper already referred to:

"It was through these agencies and this organization that the measures of the Mother Country were discussed, when the controversy arose between her and the colonies. And if the merits of this controversy were better understood by the great mass of the people in New England than in any other portion of the country of similar extent, which I doubt not was the case, it was owing, in no small degree, to these town incorporations: first, in furnishing the education; and, second, in the facilities they afforded for gatherings of the people and the discussion of the subject.

"There was no extraordinary effort necessary to secure a meeting, whenever one was desired. The machinery for producing it was all ready. It only required to be put in operation. No stumps were needed on which to utter patriotic harangues. The meeting-houses were well adapted to that purpose. It was thus that great masses of the people were influenced to an active and ardent patriotism.

"At the same time the most perfect facilities were furnished for a full knowledge, not only of those who were friendly to the crown, but of the various degrees of their hostility to the popular cause, from that of lukewarmness to that of rabid Toryism.

"It was through these organizations that the way was prepared for resistance, not only in sentiment, but in material. Depots of military stores were provided, to a

[1] *Local Constitutional History United States*, p. 60.

limited extent only; but, so far as such provision was made, it was mostly by the towns.

"Great Britain rightly judged that a portion of the country so organized was the most dangerous; and all the events of the time led to the striking of the first blow here.

"It was through these organizations that an industrious yeomanry while following the plow, and the diligent tenants of workshops while handling their tools, were converted into an armed soldiery, on the first news that the British had left the limits of Boston and were marching into the country. The dragons' teeth which produced that harvest were sown in the shape of farmers and mechanics, who, holding themselves in readiness, as 'minute men', required but the heat of warlike intelligence to burst into full life and vigor as a patriotic army.

"But for these towns, New England could not have been prompt to meet the crisis, and to assert the rights of the colonies by an armed resistance which made itself felt and respected from the very moment of the onset. By driving back the enemy discomfited, notwithstanding his partial successes, she gave confidence in the result of the war, if war must come.

"It was through their organization that law was enforced and order sustained, during the period when war had subverted the administration of justice, which had previously existed, and peace had not arrived to substitute another. The towns organized under their own provisional government, as in the days of the earliest settlement, adopted regulations, and instituted an authority which reduced the refractory to obedience, and prevented the state of anarchy which must otherwise have existed to a greater or less degree.

"It was through these towns that the great mass of the people of New England were not only prepared to throw

off an allegiance which had become oppressive, but that they had anticipated the action of Congress upon that subject. The several averments or accusations in that bill of indictment, the Declaration of Independence, had been previously asserted and sustained by resolutions, over and over again, in the town meetings of New England."

Jefferson was not a lover of New England, but in a letter written in 1816 to Joseph C. Cabell,[1] he pays this high tribute to New England towns and to their power to mold and solidify public sentiment:

"Where every man is a sharer in the direction of his ward republic, or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the state who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Cæsar or a Bonaparte. How powerfully did we feel the energy of this organization in the case of embargo? I felt the foundations of the government shaken under my feet by the New England townships. There was not an individual in their states whose body was not thrown with all its momentum into action; and although the whole of the other states were known to be in favor of the measure, yet the organization of this little selfish minority enabled it to overrule the Union. What would the unwieldly counties of the middle, the south and the west do? Call a county meeting, and the drunken loungers at and about the court-houses would have collected, the distances being too great for the good people and the industrious generally to attend. The character of those who really met would have been the measure of the weight they would have

[1] Jefferson's *Works*, Vol. 6, p. 544.

had in the scale of public opinion. As Cato, then, concluded every speech with the words, '*Carthago delenda est*,' so do I every opinion, with the injunction, 'divide the counties into wards.' Begin them only for a single purpose; they will soon show for what others they are the best instruments."

The early town records show a great variety of orders and regulations. These related chiefly to grants of land, the location and building of meeting-houses, roads, bridges and pounds, the appointment of fence viewers, animals running at large, bounties for wolves, provisions for churches and schools, and such other matters as we should naturally expect to find the subject of town action in any new country under like conditions.

At a later period counties were organized and officers were elected suitable to such organizations, but the town organizations continued to be, and still are, the most important of the local organizations.

XIII

HOW THE REPUBLIC GREW—ESCAPE FROM DEMOCRACY

It is not probable that the colonists on their arrival here had any very distinct ideas about the kind of government which should be established. The projected enterprise was an experiment. It might end in failure to establish any kind of government.

It is clear that, at least in the beginning, the clergy did not look with favor upon anything bearing the semblance of a democracy. "Democracy," said John Cotton, "I do not conceyve that ever God did ordeyne as a fitt government eyther for church or commonwealth. If the people be governors who shall be governed? As for monarchy and aristocracy they are both of them clearely approoved and directed in scripture, yet so as referreth the soveraigntie to himselfe, and setteth up Theocracy in both, as the best forme of government in the commonwealth, as well as in the church."[1]

Cotton also thought that "a Magistrate ought not to be turned into the condition of a private man without just cause and to be publicly convict," and some years later (1639) one of the elders "declared his

[1] *Letter to Lord Say and Seal* (1636), 1 Hutchinson History Mass., 437 App.

judgment that a governour ought to be for his life, alleging for his authority, the practice of all the best commonwealths in Europe, and especially that of Israel by God's own ordinance."[1]

The Rev. Samuel Stone, who came from England in the same ship that brought Cotton and Hooker, when asked to describe the Congregational church-government, said that: "It was a speaking Aristocracy in the face of a silent Democracy."[2] This exactly describes the attitude, long maintained in the Massachusetts commonwealth, by the clergy to the people.

Nor is it probable that the freemen themselves, in the beginning, contemplated a republic. When they fled from England they fled not so much from monarchy as from the monarch. Still they recognized that monarch as their sovereign and clung with great pertinacity to the charter which he had given them. But they brought with them inherited ideas of the rights of subjects and of constitutional guarantees against arbitrary power, then more fully developed in England than anywhere else on the globe.

So that, almost from the beginning of the commonwealth, there was a struggle on the part of the freemen against the exercise of arbitrary power by the rulers, and, for several years, the struggle was open and at times bitter.

The Rev. Nathaniel Ward advised in 1639 against the submission of the laws, then being prepared, to the "common consideration of the freemen," for, he says, "I see the spirits of the people runne high *and*

[1] Winthrop, Vol. 1, pp. 132, 301.
[2] *Magnalia*, Vol. 1, p. 437.

what they get they hould."[1] Winthrop, in the same year, observed "how strictly the people would seem to stick to their patent, where they think it makes for their advantage, but are content to decline it, where it will not warrant such liberties as they have taken up without warrant from thence."[2] In a letter to Hooker, he thought that he and his associates who formed the government of Connecticut had committed a grievous error in submitting its constitution to the body of the people, because, he said, "the best part is always the least, and of that best part the wiser part is always the lesser. The old law was, choose ye out judges, etc., and thou shalt bring the matter to the judge."[3]

As soon as the company was established in America, the assistants assumed the name and functions of "magistrates," and also the law-making power, and at a General Court held in Boston in October, 1630, they obtained a vote authorizing them to select the governor and the deputy governor from their own number. At the same General Court it was ordered that the assistants, "when there are to be chosen," should be chosen by the company at large, the implication from this being that, when elected, they were to hold for life or during good behavior. These assumptions of power were not kindly received, even by the freemen, and we may be sure that the non-voting population looked upon such assumptions with jealous eyes and ill-concealed

[1] Mass. Hist. Coll., 4th Ser., Vol. 8, pp. 26–27.
[2] Vol. 1, p. 303.
[3] Winthrop, Vol. 2, p. 350.

dislike. The freemen themselves soon began to make complaint and to assert their rights.

In 1631 the General Court ordered the levy of a tax for the purpose of fortifying Newtown, and £8 was laid on Watertown, as its share of the burden, but "the pastor and elder, etc., assembled the people and delivered their opinions that it was not safe to pay moneys after that sort, *for fear of bringing themselves and posterity into bondage*."[1] They were pacified, however, for a time, by being assured that "this government was rather in the nature of a parliament," in which they were represented by assistants chosen of all the freemen. But this assurance did not long satisfy the freemen, and at the General Court in 1632 they secured the right to elect "two of every plantation to confer with the Court about raising a public stock."[2] At the same General Court, that there might be no further doubt on the subject, it was ordered that, not only the governor and the deputy governor, but also the assistants should be chosen annually at the general election.[3]

The order made in 1632 for the selection of deputies by the towns to represent them in matters of raising public revenues, seems to have led in 1634 to the selection of deputies to represent the towns generally in the sessions of the General Court, and three were allowed for each of eight towns then existing. This was a very important step. It had become very inconvenient, and in fact impracticable, with the in-

[1] Winthrop, Vol. 1, p. 70.
[2] Mass. Rec., Vol. 1, p. 95.
[3] Winthrop, Vol. 1, pp. 75–76.

crease of population and the extension of the settlements, for all the freemen to meet at every session of the General Court, and, in order that the great body of the freemen might have any voice in its proceedings, it was necessary that they should be represented in the meetings by deputies of their own choosing. Still the patent nowhere authorized the selection of deputies, and this was one of the instances alluded to by Winthrop when he said that the freemen were quick to take liberties without any warrant in the charter for so doing.

The long struggle of the freemen, which resulted in the adoption of the Body of Liberties, has been described in a former chapter.[1]

At the General Court in 1636, provision was made for a "Standing Council," consisting of a certain number of magistrates whose tenure of office should be for life, unless removed upon conviction of crime or other sufficient cause, and soon after Winthrop, Dudley and Endicott were chosen members of it. There was not a shadow of authority for this in the charter, and none but the three named were ever elected members of it. Still it was regarded as a "sinful innovation," and the people became the more jealous of it by reason of the renewal of the talk about electing a governor for life, "as if there had been some plot to put it in practice," and by reason also of the order reducing the number of deputies for each town from three to two, which "occasioned some to fear that the Magistrates intended to make themselves stronger and the deputies weaker

[1] Chapter III.

and so in time bring all power into the hands of the Magistrates." So strong were the protests that in 1638 it was ordered that "no person chosen a Councilor for Life should have any authority as a Magistrate, except he were chosen in the annual elections to one of the places of magistracy established by the patent."

Much as the people confided in Winthrop, they were by no means willing to see him in office for life, and from 1633 to 1637 he was left out of office, and during this interval no one was re-elected governor, this being done, as Palfrey supposes, in order that the freemen might emphasize their hostility to life terms and vindicate their own right to elect. There was opposition again to the election of Winthrop in 1639, "not out of any dislike of him (for they all loved and esteemed him)," but out of fear lest his re-election "might make way for having a governour for life."[1]

For a time the deputies and the assistants sat together as one body, and on several occasions a majority of the deputies had voted one way and a majority of the assistants a contrary way, but the difficulty had been passed by without settling the disputed claim of the assistants to a negative vote. The first notable clash between the deputies and the assistants occurred when Hooker and his friends in 1634 applied to the General Court for leave to settle in the Connecticut country. The majority of deputies were in favor of granting their petition but the majority of the assistants were against it. Thereupon the Gen-

[1] Winthrop, Vol. 1, p. 299.

eral Court agreed to keep a day of humiliation and prayer and adjourned to meet the next week. "At the opening of the court," says Hutchinson,[1] "Mr. Cotton preached from Hag. 11, 4 'Yet now be strong O Zerubbabel saith the Lord, and be strong O Joshua the son of Josedech, the high priest; and be strong, all ye people of the land, saith the Lord, and work: for I am with you, saith the Lord of hosts.'" With delicate sarcasm Hutchinson adds that "his sermon was as pertinent to the occasion as his text," but, nevertheless, he "prevailed upon the deputies to give up the point at that time."

At the General Court in 1642 "there fell out," as Winthrop says, "a great business upon a very small occasion." A poor widow, Mrs. Sherman, and Capt. Keayne,[2] a rich man, got into a dispute about a stray pig, and the dispute found its way into the courts and from there into the General Court, where a majority of the deputies sided with the widow while a majority of the assistants sided with the rich man, and so numerous were the widow's adherents that she had a large majority of the total vote.

This conflict of opinion extended throughout the commonwealth, and revived the old controversy about the right of the assistants to a negative vote, and into the controversy was injected a greal deal of passion and bitterness. The matter "was agitated with so hot a zeal," says the author of "The Magnalia,"[3] "that a *little more and all had been in the fire*." It

[1] Vol. 1, p. 47.

[2] I infer from the records that he was the same person whose trial for extortion is mentioned in Chap. VI.

[3] Vol. 1, p. 126.

was a critical time, for, upon the outcome of the controversy hinged the determination of the question whether the future development of the commonwealth should be in the direction of a democracy or in the direction of a republic.

The freemen had made rapid and great advances toward a democracy. Heretofore the deputies sat with the assistants as one body. It was now claimed that the majority vote of the whole body should be decisive, although the majority of the assistants, or all of them, should be of a contrary opinion. If this claim had been conceded the result would have been an almost pure democracy; for the deputies, the assistants, and the governor, were all elected annually; the governor had no veto power, and, if the assistants had been shorn of the right to a negative vote, there would have been no checks nor balances, such as are now generally conceded to be essential to prevent hasty and ill-considered legislative action, and the proposed democracy would doubtless soon have gone to pieces.

The assistants were firm. The deputies were equally firm. The clergy sided with the assistants, but still the deputies held out. Again Winthrop faced responsibility at the risk of losing popularity. He upheld the claim of the assistants to the right of a negative vote. The result of this was that the next year, and always afterward, the deputies and the assistants sat as separate bodies. Conflicts between the two bodies afterwards arose and they were sometimes bitter, notably so in the case of the

Hingham train-band, which arose in 1645. Again Winthrop sided with the assistants. For this the deputies demanded an inquiry into his conduct.[1] The inquiry was granted and Winthrop was acquitted. At his trial he made "a little speech."[2] What he said will always be as worthy of careful consideration as when his words were spoken:

"The great questions," he said, "that have troubled the country, are about the authority of the magistrates and the liberty of the people. It is yourselves who have called us to this office, and being called by you, we have our authority from God, in way of an ordinance, such as hath the image of God eminently stamped upon it, the contempt and violation whereof hath been vindicated with examples of divine vengeance. I entreat you to consider, that when you choose magistrates, you take them from among yourselves, men subject to like passions as you are. Therefore when you see infirmities in us, you should reflect upon your own, and that would make you bear the more with us, and not be severe censurers of the failings of your magistrates, when you have continual experience of the like infirmities in yourselves and others. We account him a good servant who breaks not his covenant. The covenant between you and us is the oath you have taken of us, which is to this purpose that we shall govern you and judge your causes by the rules of God's laws and our own, according to our best skill. When you agree with a workman to build you a ship or house, etc., he undertakes as well for his skill as for his faithfulness, for it is his profession, and you pay him for both. But when you call one to be a magistrate, he doth not profess nor undertake to have sufficient skill for that office, nor can you furnish him with gifts, etc., therefore

[1] Mass. Rec., Vol. 2, p. 97.
[2] Winthrop, Vol. 2, pp. 228–230.

you must run the hazard of his skill and ability. But if he fail in faithfulness, which by his oath he is bound unto, that he must answer for. If it fall out that the case be clear to common apprehension, and the rule clear also, if he transgress here, the error is not in the skill, but in the evil of the will, it must be required of him. But if the case be doubtful, or the rule doubtful, to men of such understanding and parts as your magistrates are, if your magistrates should err here yourselves must bear it.

"For the other point concerning liberty, I observe a great mistake in the country about that. There is a twofold liberty, natural (I mean as our nature is now corrupt) and civil or federal. The first is common to man with beasts and other creatures. By this, man, as he stands in relation to man simply, hath liberty to do what he lists; it is a liberty to evil as well as to good This liberty is incompatible and inconsistent with authority, and can not endure the least restraint of the most just authority. The exercise and maintaining of this liberty makes men grow more evil, and in time to be worse than brute beasts; *omnes sumus licentia deteriores*. This is that great enemy of truth and peace, that wild beast, which all the ordinances of God are bent against, to restrain and subdue it. The other kind of liberty I call civil or federal, it may also be termed moral, in reference to the covenant between God and man, in the moral law and the politic covenants and constitutions, amongst men themselves. This liberty is the proper end and object of authority, and can not subsist without it; and it is a liberty to that only which is good, just, and honest. This liberty you are to stand for, with the hazard (not only of your goods, but) of your lives, if need be. Whatsoever crosseth this, is not authority, but a distemper thereof. This liberty is maintained and exercised in a way of subjection to authority; it is the same kind of liberty wherewith Christ hath

made us free. * * * On the other side, ye know who they are that complain of this yoke and say, let us break their bands, etc., we will not have this man to rule over us. Even so, brethren, it will be between you and your magistrates. If you stand for your natural corrupt liberties, and will do what is good in your own eyes, you will not endure the least weight of authority, but will murmur, and oppose, and be always striving to shake off that yoke; but if you will be satisfied to enjoy such civil and lawful liberties, such as Christ allows you, then will you quietly and cheerfully submit unto that authority which is set over you, in all the administrations of it, for your good. Wherein, if we fail at any time, we hope we shall be willing (by God's assistance) to hearken to good advice from any of you, or in any other way of God; so shall your liberties be preserved, in upholding the honor and power of authority amongst you."

From that period to the end of the commonwealth the right of each of the two legislative bodies to negative the action of the other seems to have been mutually acquiesced in, if not unreservedly conceded.

It is easy to see in these conflicts between the assistants and the deputies, that the latter were in closer touch with the public pulse, and leaned far more than the former toward the enlargement of the rights of the people and the curtailing of arbitrary power. In the trial of Gorton and his associates, the elders and all the assistants except three advised inflicting the death penalty, but Massachusetts was saved from this disgrace by the refusal of the deputies to concur in the infliction of the penalty voted by the assistants.

In a former chapter[1] it was said that the control of

[1] Chap. X.

the clergy over the legislature, the courts and the people was "well-nigh supreme." But, powerful as it was, the influence of the clergy never became supreme. The elders never succeeded in wholly subduing the spirit of independence in the people, and ecclesiastical power waned as republican ideas gained strength.

The deputies were never so ready as the assistants to yield to the clergy, and from the first the General Court asserted its authority over the churches and gave them to understand that the ecclesiastical were subordinate to the civil authorities. The church at Malden, as before stated, was fined because the members had presumed to call a minister without the consent of the neighboring churches and the allowance of the magistrates. The General Court also interfered and forbade the members of the North Church in Boston to call Michael Powell to be their minister. "It was justly observed upon this occasion," says Hutchinson,[1] quoting from Hubbard, "that let the experience of all reformed churches be consulted and it will appear that disorder and confusion in the church will not be avoided by all the determinations, advice and council of synods or other messengers of churches, unless they be a little actuated by the civil authority: all men are naturally so wedded to their own apprehensions that, unless there be a coercive power to restrain, the order and rule of the gospel will not be attended."

The General Court often sought the advice of the elders, but they were given to understand that their

[1] Vol. 1, p. 174.

advice would be acceptable only when it was asked. Dr. Ellis tells us that there are not lacking evidences in the records of the General Court "that the elders were sometimes reminded that on some subjects they should withhold the utterance of their opinions till asked for them, and that, while their advice was valued, dictation did not become them."[1]

The church members themselves had decided in 1632 that one person might not be "a civil magistrate and a ruling elder at the same time."[2]

At an early day the question was raised whether the members of the General Court could be held responsible to the churches for what had been said and done by them in the discharge of their duties as such members; and in the determination of the question we again see Winthrop as the central figure in the formation of a republic.

We have already seen him standing out against the claim of the deputies and in favor of the right of the assistants to a negative vote; now we see him standing out against a claim of supervisory power for the clergy, acquiescence in which would have been as fatal to the republic as acquiescence in the claim of the deputies. Yielding to the claim of the deputies would have resulted in an unlimited democracy; yielding to the claim for supervisory power of the clergy would have resulted practically in an ecclesiastical oligarchy.

The question first became prominent soon after the proceedings of the General Court for the punish-

[1] *The Puritan Age*, p. 191.
[2] Winthrop, Vol. 1, p. 81.

ment of those who had remonstrated against the prosecution of Wheelwright. A full account of all these proceedings with the reasons therefor was sent to England "to the end," says Winthrop, "that all our Godly friends might not be discouraged from coming to us, etc." He adds that "after this, many of the church of Boston, being highly offended with the governour for this proceeding, were earnest with the elders to have him called to account for it."

No man ever filled the office of governor of the colony who had a higher regard than Winthrop for the ministers, but, much as he respected them, he was not prepared to sacrifice the commonwealth by turning over to them all the powers of the government. He was not called to account, but he took the first opportunity that offered to say "that if he had been called, etc., he would have desired *first*, to have advised with the elders, *whether the church had power to call in question the proceedings of the civil Court.*" He then proceeded to show in language which could not be misunderstood that the church had no power "to inquire into the justice and proceedings of the court."[1]

At a later date, in the unfortunate controversy that grew out of selecting a successor for the Rev. John Wilson of the First Church in Boston, the deputies espoused the cause of the church and appointed a committee which made a report not at all pleasing to some of the ministers. The Rev. Mr. Flint of Dorchester recorded in his diary a solemn declaration against the "spirit of division, persecuting and op-

[1] Winthrop, Vol. I, pp. 247–250.

pressing God's ministers and precious saints" as "a great sin" which "threatens a sword of divine wrath," and fifteen of the leading ministers sent to the General Court a protest against its proceedings. "The court," says Hutchinson, "took this address into their immediate consideration"; but "first asserted their own authority, and that the acts of the court *were not liable to question by any, and that free debates were the indubitable right of the court.*" Hutchinson adds: "I have been more particular in relating this transaction, because it gives us a pretty good idea of the connection between the civil and ecclesiastical power; the churches, notwithstanding their claim to independency, being liable to controul as oft as their proceedings were disapproved by the civil magistrate."[1]

Within a period of less than twenty years after the coming of Winthrop there had been laid the foundations of a republic.

From 1644 to the end of the commonwealth the attention of the people was directed largely to the wars with the Indians, the extension of commerce, the disputes with the Quakers and other sectaries, the struggle to maintain the charter, and other important affairs, and we do not find that the colonists were devoting so much time as formerly to establishing guarantees against the exercise by their rulers of arbitrary power. This, however, was not because the people had grown indifferent or less watchful, but because their rulers did not give them

[1] Hutchinson, Vol. I, pp. 247–251.

any cause to believe that additional guarantees were necessary.

There was lacking, however, one thing essential to the full development of a republic—the removal of the restrictions upon admission to the privileges of freemen, so that those who were not members of the Puritan churches might, nevertheless, exercise the right to vote and take part in governmental affairs.

The charter had given to the governor, assistants and freemen, who should be assembled at any of the "greate and Generall Courts of the said Company," "full power and authoritie to choose, nominate and appointe such and soe many others as they shall thinke fitt, and that shall be willing to accept the same, to be free of the said Company and Body, and them into the same admitt." There was, it is true, no express prohibition against the exclusion of applicants on account of their religious views. On the other hand, no express authority was given for such exclusion on such grounds, and it would be difficult, by any process of construction, to imply authority from the powers which were given. It would be preposterous to suppose that King Charles or the parliament ever dreamed of such a construction as would confer the right to exclude from the privileges of freemen members in good standing of the established church of England; and yet this power was given also if the power was given to exclude Baptists and Quakers. The natural and reasonable construction of the charter provision was that given by Charles II in his letter sent by Bradstreet and Norton, wherein he had directed that "all freehold-

ers of competent estates, not vicious in conversation, orthodox in religion (though of different pursuasions concerning church government), may have their vote in the election of all officers, civil and military."

The manner in which the Theocracy evaded both the provisions of the charter and the positive commands of the King, in order to limit the right of citizenship to members of the Puritan churches, has already been explained.[1] But the commonwealth rulers could not have succeeded much longer in excluding from the rights of citizenship the non-church-members, even if the charter had not been revoked and if the King had not interfered. At the close of the commonwealth five-sixths of the adult male population were non-voters,[2] but they were taxed the same as the voters and most of them were probably equal to the members of the Puritan churches in intelligence and morality. It is not likely that they would have submitted much longer to disfranchisement, even if the King had not come to their aid.

Long before the end of the commonwealth the government itself, in its form and operation, was essentially republican. The Body of Liberties did not, it is true, contain all the safeguards against arbitrary power and all the barriers separating the executive, legislative and judicial departments, and preventing encroachments by one upon the functions of the others, that are contained in the constitutions of to-day, but it contained all the safeguards of liberty that were then deemed of prime importance

[1] See Chapters X and XI.

[2] *The Puritan Age*, p. 203.

and that constituted the chief groundwork of the constitutions adopted by the states a hundred years later. The governor and the members of the legislative departments were elected by the people. The characteristic features of the town governments have already been noted. The town meetings were primary schools for teaching the principles and practice of republican government.

The peculiar situation and condition of the people tended to disseminate republican ideas. The common dangers which made them reliant upon each other; the absence of distinctions founded on rank and those existing in old and opulent communities between the very rich and the very poor; the limited territory occupied by them; all these circumstances tended to promote intimate business and social intercourse and to establish ideas of political equality.

The experience of those who came here from England, especially those who had suffered from the arbitrary power of King Charles I, was not calculated to make them fall in love with monarchical forms of government. Those who were born and bred here had not been dazzled by the magnificence, nor awed by the majesty, of kings and royal courts. "Most of the inhabitants," says Hutchinson,[1] "who were upon the stage in 1686 had never seen a church of England assembly." And most of them had never seen a king.

Of the kings of England during the commonwealth period one had been beheaded and another driven from his throne, and the reign of the "Merry Mon-

[1] Vol. 1, p. 318.

arch," the best of the three, was characterized by such debaucheries and corruption of public and private morals as to disgust all decent people on both sides of the Atlantic. More than fifty years of practical experience had demonstrated to all that the people here could live and live happily without kings and nobles and that they were fully capable of governing themselves.

In this period they had laid the foundations of a commonwealth. They had all the machinery of government in successful operation. They had increased greatly in population and wealth. They had carried on two Indian wars without calling upon England to contribute one soldier or one penny.

How, during this period, they struggled for the right to govern themselves for all time and for entire independence from England, will be the subject of subsequent chapters.[1]

So that, long before the revocation of the charter the colonists had become thoroughly educated in republican ideas and wanted only the power and the opportunity to establish a government which should be not only republican in form but wholly independent.

[1] Chapters XV, XVI.

XIV

LAYING THE FOUNDATIONS OF A GREATER REPUBLIC—THE UNITED COLONIES OF NEW ENGLAND

No authority for the New England confederation can be found in any statute passed by any English parliament or in any charter granted by any English sovereign. "No patent," says Chalmers,[1] "legalized the confederacy, neither was it confirmed by the approbation of the governing powers in England. Their consent was never applied for, and was never given." Chalmers also asserts that "the principles, upon which this famous association was formed, were altogether those of independency, and it can not easily be supported upon any other."

Whatever ideas of independence the confederation may have suggested to the colonists or to the rulers of England at a later date, there is no reasonable ground on which to suppose that at the date of its formation the confederates entertained any secret design of using it to aid them in severing allegiance to the mother country.

The chief reasons for forming such a confederation were obvious, and were those which were declared in the articles afterward adopted. The New England colonists were practically all of the same race

[1] *Annals*, p. 178.

and of the same religion, and many of them were bound together by the closest ties of blood and marriage. On one side of them were the French, on another the Dutch, and all around them were the Indians. In the event of war with any of these, they were too remote from England to expect material aid, and such a war, carried on by any one of the colonies alone, would have severely taxed its resources. It is doubtful if Massachusetts, single-handed, could have sustained such a war; it is certain that neither of the other colonies could have done so. The advantage of such a confederation, the urgent necessity for it, had been conclusively shown in the Pequot war.

In this connection, however, it may be of interest to note one of the reasons stated in the articles of confederation afterward adopted, viz.: "The sad distractions in England" by which "we are hindered both from that humble way of seeking advice, and reaping those comfortable fruits of protection, which at other times we might well expect." We can readily believe that the confederation would not have been formed but for the "sad distractions in England." If the English rulers had not been hampered by these distractions it is pretty certain that the colonists would not have dared to form such a confederation. It is difficult for us to believe, however, that the colonists united in the confederation because they were debarred, by reason of the distractions in England, from soliciting the advice and protection which otherwise they might have expected and asked. If there was anything which the colonists of the

Massachusetts commonwealth studiously avoided it was asking either the advice or the protection of the English rulers.

"The New England Confederation," says Mr. John Quincy Adams,[1] "originated in the Plymouth colony, and was probably suggested to them by the example which they had witnessed, and under which they had lived several years, in the United Netherlands." Hubbard gives us this account of the origin of the confederation:

"'Woe to him that is alone,' saith Solomon. The people that came over to New England were necessitated to disperse themselves further, each from other, than they intended; yet finding that, in their first and weak beginnings, they might be exposed to danger by many enemies, and as well from the natives as any foreign nations, although that they saw they could not be accommodated within the bounds of one and the same Patent, yet judged it very expedient to be joined together in one common bond of unity and peace, by as firm engagement as might be on either side. They saw also, by daily experience from the beginning, that without some such obligation, seeds of jealousy and difference might easily be sown between them, either about their bounds or other occasions; wherein all discovered an unwillingness to be subordinate one to another, yet could not be able to stand alone by themselves, without engagement of mutual assistance."[2]

The matter was agitated for several years, and articles were drawn up in 1638, but nothing was then

[1] *Address before the Massachusetts Historical Society*, May 29, 1846; Mass. His. Coll., 3d Ser., Vol. 9, p. 211.

[2] *His. N. Eng.*, Vol. 6, Mass. His. Coll., 2d Ser., 465–6. See also article by Benson J. Lossing, *The New England Confederacy*, 25 Harper's Magazine, p. 627.

agreed upon and further consideration of them was deferred until 1639.[1]

Winthrop tells us that in 1637, "some of the magistrates and ministers of Connecticut being here, there was a day of meeting appointed to agree upon some articles of confederation, and notice was given to Plimouth, that they might join in it, (but their warning was so short as they could not come)."[2]

The preliminary negotiations seem to have been conducted chiefly by Massachusetts and Connecticut. The New Haven colony had not then attained much consequence, and Plymouth seems not to have taken so active a part in the negotiations as Connecticut.

The latter colony had no idea of entering into any sort of confederation with its more powerful Massachusetts neighbor which would undermine its own autonomy. The settlers of Connecticut, like those of Massachusetts, were Puritans of the straitest sect. In their laws, in their religious belief, and in their daily life, we can see little difference between them and their Massachusetts neighbors, but there were some sharply defined points of difference between the governmental systems of the two commonwealths. One very essential point of difference was that, in Massachusetts, none except church members were admitted freemen, and upon this cardinal principle the whole power of the Theocracy was based. But either the rulers of Connecticut had realized already the dangers of so close a union of church and state as existed in Massachusetts, or they

[1] Hutchinson, Vol. 1, p. 119.

[2] Winthrop, Vol. 1, p. 237.

were long-headed enough to foresee them, and, therefore, they did not make church membership a condition precedent to the exercise of the privileges of citizenship. Winthrop had condemned this too great laxity in the Connecticut organization. He tells us of the "shyness" on the part of Connecticut "of coming under our government, which, though we never intended to make them subordinate to us, yet they were very jealous." At any rate the Connecticut government would not accept the articles proposed by the Massachusetts authorities. John Haynes, William Pynchon and John Steele came over and held a conference with the Massachusetts General Court, but the upshot of the matter was that nothing was concluded; and after that fresh disputes arose about boundaries, and there was some sharp correspondence in which Winthrop indulged in further criticisms on what he called the "errors" in the Connecticut form of government, one of which was that the people of that colony chose divers men to fill the offices "who had no learning or judgment which might fit them for those affairs, though otherwise men holy and religious."

It is a striking illustration of the fallibility of the opinions of men, even so wise as Winthrop is conceded to be, that the written constitution which Connecticut adopted in 1639 (and which was the first of its kind in this country) lasted, with little change, for 180 years, and that under it the people prospered and lived happy.

The Massachusetts authorities also complained that

those of Connecticut had concluded a treaty with the Narragansetts and Mohegans in which they had ignored Massachusetts. It is evident that at this period the spirit which animated the authorities of Massachusetts and Connecticut was not altogether conducive to the brotherly harmony essential to the proposed confederation.

So matters drifted along for a year or two. Meantime the governor of the Massachusetts commonwealth had received from the Lords Commissioners of Plantations in England a peremptory order for the return of the charter. Connecticut was also in trouble. A new governor had been sent over to the Dutch in New York, and he was complaining of the intrusion by Connecticut upon the Dutch territory, and threatening to establish forts in the territory claimed by Connecticut. Moreover the new Dutch governor, as Winthrop tells us, was "very inquisitive how things stood between us and them of Connecticut, which occasioned us the more readily to renew the former treaty, that the Dutch might not take notice of any breach or alienation between us."[1]

The Indians were also becoming turbulent. Governor Haynes, of Connecticut, the Rev. Thomas Hooker and others came to Boston and remained nearly a month and negotiations for the confederacy were resumed. Finally, in 1643, commissioners representing Plymouth, Connecticut and New Haven, met at Boston and held a conference with a committee appointed by the General Court, and "these coming to consultation encountered some difficulties, but being

[1] Vol. 1, p. 299.

all desirous of union and studious of peace, they readily yielded each to other in such things as tended to common utility, etc., so as in some two or three meetings they lovingly accorded upon these ensueing articles"; and on May 29, 1643, the articles were signed by all except the Plymouth commissioners, who had not then sufficient authority; but soon afterward they were ratified by Plymouth also.

The people of the province of Maine, we are told by Winthrop, "were not received nor called into confederation, because they ran a different course from us both in their ministry and civil administration; for they had lately made Acomenticus (a poor village) a corporation, and had made a taylor their mayor, and had entertained one Hull, an excommunicated person, and very contentious, for their minister." Making a "taylor" their mayor might have been forgiven, but not the entertainment of the excommunicated Hull for their minister.

Winthrop does not tell us why the people of Rhode Island were "not received nor called into the confederation," but we know very well why they were not. The pestiferous malcontents, herded together there, had, until that period, employed their time and their energies chiefly in quarreling among themselves, and they were not wanted by any of the other colonies, certainly not by Massachusetts; they had given her enough trouble already. In 1640 the General Court had ordered the governor to answer a letter sent to him (but also concerning the General Court), by Eaton, Hopkins, Haynes, and also by "Mr. Coddington & Mr. Brenton," but the court expressly

directed "that the answer shal bee directed to Mr. Eaton, Mr. Hopkins & Mr. Haynes *onely*, excluding Mr. Coddington & Mr. Brenton, as men *not to bee capitulated withall by us, either for themselves, or the people of the iland where they inhabite, as their case standeth*."[1] When Coddington and Partridge, in 1648, in behalf of Rhode Island, requested admission into the confederation, their request was denied by the commissioners with frigid politeness, accompanied "with tender respects" and hopes for their future "comfort and safety," except upon the condition, known to be impossible, that the petitioners "and the inhabitants, or the most considerable part of them, upon a due consideration of Plymouth patent and right, acknowledge yourselves within that jurisdiction."[2]

The articles of confederation[3] first declare the reasons which led to their adoption. They set forth, among other reasons, that they were "encompassed with people of several nations and strange languages which hereafter may prove dangerous to us or our posterity"; that the natives had lately combined against them; and by reason of the "sad distractions" in England they were "hindered both from that humble way of seeking advice, and reaping those comfortable fruits of protection which at other times we might well expect."

Then the confederation is named the "United Colonies of New England."

Next follow minute provisions defining the powers

[1] Mass. Rec., Vol. 1, p. 305.
[2] Hutchinson, Vol. 1, pp. 140–141.
[3] Winthrop, Vol. 2, pp. 101–106.

of the confederation and the authority and duties of the commissioners. The confederation was to be, "for offence and defence, mutual advice and succor upon all just occasions, both for preserving and propagating the truth and liberties of the gospel, and for their own mutual safety and welfare"; but it was expressly provided that the confederation should in no wise interfere with the local governments, and this was reiterated in the article defining the powers of the commissioners, which expressly prohibited them "from intermeddling with the government of any of the jurisdictions."

In case of war each colony was to furnish soldiers and to contribute to the expense in proportion to the number of its male inhabitants between sixteen and sixty. Provisions were made guarding against the danger of any one of the confederates rashly embroiling the others in an unjustifiable war. It was provided that no new member should be received into the confederation, nor should any two of the members unite, without the consent of the rest. Each colony was to be represented in the confederation by two commissioners, "all in church-fellowship with us," and general authority was granted to the commissioners to execute the purposes of the confederation. These were to meet once a year, or oftener in case of an emergency. The first and second meetings were to be held at Boston, the third at Hartford, the fourth at New Haven, the fifth at Plymouth, the sixth and seventh at Boston, and so on until some more central place could be found, "commodious for all the jurisdictions."

The commissioners were authorized to select a president from their number, but it was expressly provided that he should have no veto power. Power was given to the commissioners "to hear, examine, weigh and determine all affairs of war or peace, leagues, aids, charges and number of men for war, division of spoils or whatever is gotten by conquest; receiving of more confederates or plantations into the combination with any of these confederates and all things of like nature which are the proper concomitants or consequents of such a confederation for amity, offence and defence," with the limitation before mentioned against intermeddling with the local governments.

The article which conferred something like general legislative power upon the commissioners was the following:

"8. It is also agreed that the commissioners for this confederation hereafter at their meetings, whether ordinary or extraordinary, as they may have commission or opportunity, do endeavor to frame and establish agreements and orders in general cases of a civil nature wherein all the plantations are interested for preserving peace amongst themselves and preventing, as much as may be, all occasions of war or differences with others, as about free and speedy passage of justice in each jurisdiction, to all the confederates equally, as to their own, receiving those that remove from one plantation to another without due certificates; how all the jurisdictions may carry it towards the Indians, that they neither grow insolent nor be injured without due satisfaction, lest war break in upon the confederates through miscarriages."

Besides defining the powers of the commissioners

several other matters were agreed upon by the confederates themselves. One was an agreement for extraditing fugitives from justice. Another was an agreement for returning fugitives from service, which, curiously enough, was the first fugitive slave law passed in America. It provided that:

"It is also agreed, that if any servant run away from his master into any of these confederate jurisdictions, that in such case upon certificate of one magistrate in the jurisdiction out of which the said servant fled, or upon other due proof, the said servant shall be delivered either to his master or any other that pursues and brings such certificate or proof."

The Massachusetts town governments had developed there and throughout New England the idea of local self-government. We see in the articles of confederation a further development of the same idea. That idea, as before stated, was that government of all kinds should be brought as near to the people as practicable, and that the people of each governmental subdivision, as nearly as might be consistent with the due discharge of their duties to the greater body politic, should have supreme power over their own local affairs. Therefore, when they adopted the articles of confederation, they were particularly careful to provide that the federal government should not "intermeddle" with the government of any of the confederates.

This idea has never been lost sight of in New England. During the civil war, in no section of the country did the people give to the federal government a more loyal support; in no part of the

country were the courts more firm in upholding the reserved rights of the states.

The doctrine of States' Rights, as interpreted by the Southern States in justification of secession, for a time brought into greater prominence the necessity of a strong federal power. Other emergencies are likely to arise when greater power will be claimed for the federal government. But it would be well for us to remember that, to the preservation of the republic, it is as essential to maintain firmly the reserved rights of the states, as it is to maintain the powers conceded to the federal government. To concentrate power in the federal government by destroying the rights of the states is to insure despotism. We see in the articles of confederation an outline of this idea, which, though but an outline, is, nevertheless, clearly drawn.

We do not find in these articles the elaborate provisions which we find in the present constitution of the United States, but we find in them the germ of a greater republic. Indeed, these articles are important, not only for what they contain, but for what they suggest. In them is crystallized the idea of the republic of to-day. In his address above referred to, Mr. Adams says:

"The distribution of power between the commissioners of the whole confederacy and the separate governments of the colonies was made upon the same identical principles with those which gathered and united the thirteen English colonies, as the prelude to the revolution which severed them for ever from their national connection with Great Britain. The New England confederacy of 1643 was the

model and prototype of the North American confederacy of 1774."

The government of the United Colonies of New England is as crude and simple, when compared with the present elaborate federal government, as Fulton's first boat launched upon the Hudson would seem to be if laid alongside one of the magnificent steamers of the Fall River line. Still the United Colonies of New England made the beginning. The idea suggested was never forgotten. It was developed in the time of the Revolutionary War. It suggested the feasibility and the power of a united New England, and a united New England proved the feasibility and the power of the United States. Indeed, without a united New England there would have been no possibility of the United States, and to-day England, instead of ruling over the Dominion of Canada, would, in all likelihood, have been ruling over the Dominion of America.

At the date of the adoption of the articles of confederation there were in Massachusetts thirty towns with a population of about fifteen thousand; in Plymouth eight, with a population of about three thousand; in Connecticut six, with a population of about three thousand; in New Haven five, with a population of about two thousand five hundred.

The history of the United Colonies of New England is not within the scope of this volume. Its proceedings were not always harmonious. Subsequent events exposed the weaknesses, but they also demonstrated the advantages to the colonists of the confederation. They likewise disclosed to the Eng-

lish rulers the disadvantages and dangers likely to result to England from such a union of the colonies. For the confederates made treaties with their Dutch and French neighbors and exercised other powers usually regarded as incident only to sovereign jurisdiction. All this was calculated to arouse the jealousy and to inflame the resentment of the English rulers who looked upon the confederation as designed to pave the way to independence. "In this light," says Chalmers,[1] "was their conduct seen in England, and at a subsequent period did not fail to attract the attention of Charles II."

All that need be added is that the last meeting of the confederate commissioners was held in Hartford on September 5, 1684, and that when the Massachusetts commonwealth went down it was all that remained of the colonial governments which had formed the United Colonies of New England. Plymouth had never had a charter; New Haven had been absorbed in Connecticut; the people of Connecticut had in vain sought to baffle Andros by hiding their charter in an oak tree, and the secretary, John Allyn, had closed the colonial records with the single but expressive word, "Finis."

[1] *Annals*, p. 178.

XV

THE STRUGGLE FOR INDEPENDENCE AND THE REVOCATION OF THE CHARTER—GENESIS OF A STILL GREATER REPUBLIC

Just when or how the idea originated it is difficult to determine, but it is certain that, long before the end of the commonwealth, the colonists had formed the idea of setting up for themselves an independent government.

When our ancestors, nearly one hundred years after the revocation of the charter, put forth the Declaration of Independence, they had become imbued with ideas of "inherent" and "unalienable" rights, of which the colonists in the beginning of the commonwealth probably had no conception at all, or, at least, no clearly defined conception. Moreover, none of the chief reasons given in the Declaration for severing allegiance to the mother country came into existence until many years after the founding of the commonwealth. We read in that Declaration the American indictment of George III, but in the formidable list of offenses charged, we find none that could have been charged against any of the English sovereigns who preceded Charles II, and but few that could justly have been charged against even that dissolute monarch.

No royal governor tyrannized over Massachusetts until Andros came; and, until the reign of Charles II, the sovereign power of England rested so lightly upon Massachusetts that it was scarcely felt in that portion of the English realm. The first of the odious navigation acts was not passed until 1651 and this was a dead letter in Massachusetts until after the accession of Charles II. Nor was any serious effort made to enforce the later and more stringent navigation acts until 1676.

The colonists prior to the accession of Charles II were not influenced so much in their desire for independence by what they had already suffered from abuses of royal authority, for they had suffered very little in this way, as they were by the apprehension of what might, and probably would, follow if royal authority should be fully extended and exercised over them. They could easily see that an established church in America would be as hostile to them here as in England; that royal governors and officers, acting under the orders of men like Laud, probably would be as tyrannical here as in England. They could see how the navigation acts, when enforced by their enemies, might be used to cripple their commerce and manufactures, and that the spirit of hostility displayed in the acts already passed would be likely to inspire others still more oppressive.

Moreover, the Massachusetts colonists had before their eyes the royal government of Virginia, and it was such as to make them dread the establishment of a similar government over them. The ingratitude of Charles II to his old friends in England who had

clung to him in his days of adversity was proverbial. "With regard to the act of indemnity and oblivion, they universally said that it was an act of indemnity to the king's enemies and of oblivion to his friends."[1]

His shameful treatment of the Virginia colonists proved that he was as ungrateful to his friends in America as he was to his friends in England. Of all his American subjects, those of Virginia had been the most loyal to him, and they were the only ones on this side of the Atlantic who greeted his restoration with genuine enthusiasm. He had scarcely been seated upon his throne when he began to impose harsh restrictions and burdens upon the Virginians, more intolerable even than those which had been imposed by Cromwell, their professed enemy. Indeed the king's treatment of his Virginia subjects could not have been harsher and more cruel if he had selected them as special objects of his vengeance.

Subsequent events proved that the evils which the Massachusetts colonists apprehended as the probable results of the extension over them of royal government were not the mere forebodings of a gloomy imagination. The outrageous acts of oppression which they suffered during the administration of Andros, the first royal governor, far surpassed any which before that time could have been foretold or suspected.

The grievances complained of in later years gave the Massachusetts colonists much broader and better grounds upon which to base their complaints than any that could be found in supposed violations of

[1] Hume, *History of England*, Vol. 5, Chap. LXIII.

their charter and furnished a solid foundation for the Declaration of Independence; but in the early years of the commonwealth these grievances had scarcely been felt, and they were only anticipated. Still, it can not be doubted that such, or similar, grievances were anticipated, and that the sagacity which enabled the wiser heads among the colonists to foresee them, made them desirous of guarding against them. This is the key which opens to us a clear understanding of all their conduct toward the English rulers.

Whenever or however the idea of an independent government first took definite shape, the inference, from many sources, is clear that, long before the year 1676, the colonists were contemplating the setting up of an independent government and were seeking to find some good reasons for so doing. Winthrop, indeed, had said that, if the safety of the commonwealth should require it, the colonists would be justified in renouncing the authority of England, although this general statement conveys no definite idea of the grounds which Winthrop himself thought would justify such a course.

In casting about for some solid foundation upon which to base their claim of right to exercise the powers of government assumed by them, it was natural that the colonists should attempt to find a basis in the charter or "patent," as it was usually styled by them, granted by King Charles I. They had brought with them all the English reverence for charters. To Englishmen Magna Charta is the most sacred of all human docu-

ments. For ages London has tenaciously clung to the charter granted by William the Conqueror and confirmed by many later monarchs. In the eyes of an Englishman a charter granted by his sovereign is of so sacred and binding a character that it can not lawfully be revoked by the king himself without the consent of the corporation to which it was granted. And so the colonists maintained to the last that the king had no right to revoke the charter given to them.

But there was this marked difference between an Englishman's view of a charter, and the colonists' view of the one granted them by Charles I. Englishmen look upon a charter granted them as a royal guaranty to them of their rights *as subjects;* the colonists viewed the charter granted to them as a sort of *compact* guaranteeing to them the right to set up an independent government of their own.

Of course it is impossible to reconcile such a claim with an acknowledgment that there was left any residuum of allegiance owed to England. The colonists, indeed, as will be seen hereafter, did try to demonstrate how they could be independent and at the same time owe allegiance to England, but the experiment was a failure, because it was an attempt to reconcile two diametrically opposite and irreconcilable propositions.

Nevertheless, the colonists persisted in maintaining their claim of right to carry on an independent government, and the only available foundation, narrow as it was, upon which to base this claim, was their charter. They came, by a slow and curious

process of reasoning, to the conclusion that this was not a mere concession of the sovereign to his subjects, but a compact between them by which the sovereign had relinquished a large part of the sovereign power and had bound his subjects only to a vague and shadowy sort of allegiance, resting for its security upon the inclination of the colonists more than upon the reserved rights of the sovereign.

Their reasoning in support of this construction of their charter was, in substance, that they had purchased the land they occupied from the Indians, the first occupants, whose title was superior to that of the English government and was recognized by it; that they had also bought all the title of the English claimants; that they had transplanted themselves to this "remote corner of the earth" at large expense, and by their industry had given it all the value it had; and that for these reasons they had acquired the right to their possessions and the right to govern them as they saw fit, without interference by the English government.[1]

This reasoning is not entirely satisfactory, but at that time it was the best that could be contrived.

Convincing proof that the colonists wished, not only to sever their connection with the established church, but also to sever their connection with the established government of England, although at that time they may not fully have determined to do so, is found in their conduct toward Cromwell and his son. Their shyness of doing or saying anything that might afford an excuse to an English king or

[1] See Hutchinson, Vol. 1, pp. 230–231.

Parliament to interfere with their own religious beliefs and practices can readily be understood. But they had no fear of such interference by Cromwell or his son. And yet the commonwealth authorities were as slow to recognize any right of Cromwell and the Long Parliament to interfere with the government on this side of the Atlantic as they were in conceding such right to the rulers who preceded or to those who followed them.

As the colonists did not derive authority to govern themselves from any "inherent" or "unalienable" rights, but from their charter, the preservation of it was the one thing at all times uppermost in their minds. This is manifest in all their official correspondence with the king, in their conduct toward the agents and commissioners sent hither by him, and in their instructions to the agents sent over by the colonists to England. So viewing their charter, it became, in the eyes of the colonists, of vastly greater consequence than was even Magna Charta in the eyes of Englishmen. In their long and arduous struggle to preserve the document so highly prized by them they were striving, not so much to maintain their rights as English subjects, as they were to maintain their supposed rights as citizens of an independent government; so that in reality their struggle to prevent the overthrow of the charter was a struggle for independence, and in this struggle we may find the seeds of the American Revolution. From the time when Charles II began his attempt to enforce in the Massachusetts colony the unjust and oppres-

sive navigation acts, the contest for independence becomes more clearly defined and more determined, and the ground and justice of the claims of the colonists become more apparent. From this period to the end of the commonwealth the path leading to the Declaration of Independence and the American Revolution is straight and clearly marked.

The troubles of the colonists with England began very soon after they had set up their government. At that time the governmental control of the colonies was vested in the Privy Council. But in 1634 it was transferred to a board called the Lords Commissioners for Plantations, of which Laud was at the head. In consequence of complaints against the colonists, an order of the Privy Council had been made in 1633–4 requiring Mr. Craddock, one of the Massachusetts company, to produce before the board the letters patent, and it seems that not until then was it discovered by the King and his council that the charter was in America. The governor and assistants, on being informed of the demand for the charter, declared that nothing could be done until the meeting of the General Court in September; but the General Court did nothing except to order the erection of fortifications, and in January following, the ministers, who had been consulted, agreed that the colonists ought not to accept a governor, if sent, but "to defend our lawful possessions if we are abel; otherwise *to avoide or protract*." Additional warlike preparations were made, but the General Court took no further notice of the demand for the return of the charter.

The next step of the authorities in England was to institute *quo warranto* proceedings against the company for a forfeiture of its charter. These were begun in June, 1635, and a judgment was rendered against the patentees then residing in England. But six of the original patentees were then in New England, and as the process of the Court of King's Bench, in which the proceedings were instituted, did not extend to New England, no judgment could be rendered against them, and, therefore, according to the opinion of the crown lawyers, the *quo warranto* proceedings did not work a forfeiture of the charter. Further orders were sent by the Lords Commissioners for Plantations to the governor and assistants to return the charter. In response to these the General Court made a diplomatic answer, prepared by Winthrop, September 6, 1638,[1] but it still held fast to the document itself. Another peremptory demand for the return of the charter was made in 1639, but the General Court made no answer to it.

The Lords Commissioners for Plantations had authority to revoke the charter "*if, upon view of it*," they found anything hurtful to the king, his crown or prerogative, etc., but this power could be exercised, so it was claimed, only upon view of the charter itself and not upon view of a *copy* of it, and, therefore, so long as the charter could be kept out of sight of the commissioners there was no danger of a revocation of it. Thus the charter was saved a second time by a legal technicality.

By this time the attention of the king was taken

[1] Palfrey. Vol. 1, p. 557.

up with affairs in England more than with those in America, and after the meeting of the Long Parliament in 1640, the colonists had little to fear from royal interference.

It is important, however, to note the attitude of the Massachusetts authorities toward the Long Parliament and Cromwell. It discloses very clearly that they had no more idea of voluntarily surrendering their charter to Parliament than they had of surrendering it to King Charles. It also shows, more clearly than anything else, the ideas of the colonists as to the powers of the government which they had established, and their understanding of the allegiance they owed to England.

The complaints of Samuel Gorton, Dr. Child and others, induced the parliamentary commissioners in 1646 to address to the General Court a communication upon the subject. The mere fact that the commissioners were calling upon the authorities of Massachusetts to answer complaints against them, implied a claim of supervisory jurisdiction, and opened the door to appeals to England. Thus there were presented to the General Court questions of wide extent and of the gravest import—"in what relation we stood to the State of England, whether our Government was founded upon our charter or not; if so, then what subjection we owed to that State." These questions were long and carefully debated, the elders, as usual, being called upon for advice.

At the outset: "One question was, whether we should give the Commissioners their title, *least thereby we should acknowledge all that power they claimed*

in our jurisdiction, as well as in other plantations, which had not so large a charter as we," but "it was considered withal that, whatever answer or remonstrance we presented to them, if their stile were not observed, it was doubted they would not receive it."[1]

The more difficult question to settle, however, was "in what relation we stood to the state of England." The prevailing opinion seemed to be that the charter gave them "*absolute power of government;* for thereby we have power to make laws, to erect all sorts of magistracy, to correct, punish, pardon, *govern and rule the people absolutely*."[2]

Upon the question of allowing appeals it was "conceived" by the elders, and doubtless approved by the magistrates, that:

> "In point of government we have granted by patent such full and ample power of choosing all officers that shall command and rule over us, of making all laws and rules of our obedience, and of a full and final determination of all cases in the administration of justice, *that no appeals or other ways of interrupting our proceedings do lie against us*."[3]

After such claims of absolute governmental powers it is difficult to perceive what remnant of allegiance remained and how to define it. But some shadowy sort of allegiance to England was admitted, and the magistrates undertook to define "what subjection we owed to that State." It was resolved by them that:

> "We did owe allegiance and subjection: 1, because our

[1] Winthrop, Vol. 2, p. 282.
[2] Winthrop, Vol. 2, p. 279.
[3] Winthrop, Vol. 2, pp. 282–3.

commonwealth was founded upon the power of that State, and so had always been carried on. 2, in regard of the tenure of our lands, of the manor of East Greenwich. 3, we depended upon them for protection, etc. 4, for advice and counsel, when in great occasions we should crave it. 5, in the continuance of naturalization and free liegance of ourselves and our posterity. Yet we might be still independent in respect of government, as Normandy, Gascoyne, etc., were, though they had dependence upon the crown of France, and the Kings of England did homage, etc., yet in point of government they were not dependent upon France. So likewise Burgundy, Flanders, etc. So the Hanse Towns in Germany, which have dependence upon the Empire, etc. And such as are subject to the imperial chamber, in some great and general causes, they had their deputies there, and so were parties to all orders there."[1]

The elders also attempted to define the precise nature of the allegiance owed to England as follows:

"1. We have received the power of our government and other privileges derived from thence *by our charter*. 2. We owe allegiance and fidelity to that State. 3. Erecting such a government as the patent prescribes and subjecting ourselves to the laws *here* ordained by *that* government, we therein yield subjection to the State of England. 4. We owe unto that State the fifth part of gold and silver ore that shall, etc. 5. We depend upon the State of England for protection and immunities of Englishmen, as free denization, etc."[2]

In all this verbiage we see plainly the claim of independence for the commonwealth, but only the

[1] Winthrop, Vol. 2, pp. 279–80.
[2] Winthrop, Vol. 2, p. 282.

shadow of an acknowledgment of allegiance to England. No such claim, however, was hinted at in any address, or entered upon the records of the General Court, and we know of it only from the pages of Winthrop's journal. When in 1661 the General Court entered upon the records its declaration of the colonists' rights under the charter, "Concerning our liberties," and "Concerning our dutyes of allegiance to our soveraigne Lord the King," the declaration was couched in language which gave no intimation of the enlarged views on these subjects expressed by the magistrates and the elders in the secret consultations held by them when preparing the petition to the Long Parliament.[1]

Nor did the Massachusetts authorities deem it safe to petition for enlarged powers. To do this would be inconsistent with their assumption that the powers which they already possessed were ample enough. Moreover, if Parliament should begin tinkering their charter, some of these powers might be curtailed instead of being enlarged.

It was therefore resolved to send agents to England. The elders advised that these, if they should "discern the mind of the parliament toward us," to be "propense and favorable," and "a fit season" should occur, should endeavor "to procure such countenance of our proceedings, and confirmation of our just power, as may prevent such unjust complaints and interruptions as now disturb our administrations. But if the parliament should be less inclinable to us,

[1] See Hutchinson, Vol. 1, App. pp. 455–6.

we must wait upon providence for the preservation of our just liberties."[1]

The agent selected was Edward Winslow, than whom no better could have been chosen. Besides his commission, he was furnished with a set of general instructions and also with another set "more secret," which contained specific directions for his guidance in making answers to various anticipated objections to the proceedings of the commonwealth. One of these was "about our subjection to England," and another was "about our independency upon that State," and the answers which he was directed to make to these objections embodied substantially what had before been determined by the magistrates and the elders. One of the answers directed to be made "about our subjection to England," had not before been "conceived," even by the elders, and exhibited additional evidence of the allegiance of the colonists in this, that they were "faithful and firm to the state of England, endeavoring to walk with God in upholding his truth, etc., *and praying for it.*"[2]

A "remonstrance and a petition" to the parliamentary commissioners was also prepared. In this the colonists protested against any action by that body which might be construed as a precedent "prejudicial to the liberties" granted by their charter, lest "when times may be changed, for all things below are subject to vanity, and other princes or parliaments may arise, the generations succeeding may not have cause to lament and say: 'England sent

[1] Winthrop, Vol. 2, p. 283.
[2] Winthrop, Vol. 2, pp. 300–301.

our fathers forth with happy liberties, which they enjoyed many years, notwithstanding all the enmity and opposition of the prelacy and other potent adversaries; how came we to lose them, under the favor and protection of that state, in such a season when England itself recovered its own?'"[1]

The complaints of Gorton and the others came to naught. After the parliamentary commissioners had read the petition and remonstrance of the General Court, and had heard the evidence that Winslow produced, "it pleased the Lord," says Winthrop, "to bring about the hearts of the Committees, so as they discerned of Gorton, etc., what they were and of the justice of our proceedings against them." The commissioners also wrote assuring the General Court that, in entertaining the complaints of Gorton and the others, "we intended not thereby to encourage any appeals from your justice, nor to restrain the bounds of your jurisdiction to a narrower compass than is held forth by your letters patent, but to leave you with all that freedom and latitude that may, in any respect, be duly claimed by you; knowing that the limiting of you in that kind may be very prejudicial (if not destructive) to the government and public peace of the colony."

The execution of Charles I followed in 1649. In 1651 Parliament, having become incensed by the refusal of Virginia and some of the other colonies to acknowledge its authority, determined to require all of them to take out new charters, and thus recognize its supremacy. Winslow informed the General Court

[1] Winthrop, Vol. 2, p. 296.

that it was "the Parliament's pleasure that we should take a new patent from them; and keep our courts and issue our warrants in their names." There were also ominous hints of sending over an English governor.

This startling information caused grave apprehensions, but the General Court, taking its usual time for deliberation, delayed sending its answer for a year. Then the authorities prepared a petition to Parliament in which they protested against "being wrapped up in one bundle with all the other colonies," assuring the Parliament that, "since the first beginning of your differences with the late king and the warre that after ensued, we have constantly adheared to you," and on that account had "suffered the hatred and threats of other English colonies, now in rebellion against you," and hoping that it would "goe no worse with us than it did under the late king."

The petition set forth such plausible arguments, couched in such pious phraseology, that it quite won over those to whom it was addressed.[1] The General Court, however, as an extra precaution, addressed a letter to "the right honorable, his Excellence, the Lord Generall Cromwell," setting forth their desires, requesting his intercession with Parliament in their behalf, and praying "that the Captain of the hoast of Israell may be with you and your whole army, in all your great enterprises, to the glorie of God, the subdueing of his and your enemies, and your everlasting peace and comfort in Jesus Christ."[2]

[1] Hutchinson, Vol. 1, App. p. 448.

[2] Hutchinson, Vol. 1, App. p. 450.

The petition to Cromwell was as pleasing and as effective as was the petition to Parliament, and from this time to the restoration of Charles II in 1660, the colonists were in such favor with the Protector and the leading authorities in England that they gave themselves no further concern about the revocation of their charter. There is no doubt that the Puritans of the Massachusetts commonwealth were pleased to see Cromwell ruling over England, but it is equally clear that they had no idea of permitting him, if they could avoid it, to rule over them. In him the commonwealth found a strong and steadfast friend. As Chalmers expresses it,[1] "the winning courtship of Massachusets seems to have captivated the rugged heart of Cromwell; and, notwithstanding a variety of complaints were made to him against that colony, so strong were his attachments, that all attempts, either to obtain redress or to prejudice it in his esteem were to no purpose." The commonwealth retained his esteem though it refused to accede to his plan of having the people of Massachusetts remove and settle in Ireland, and also refused to accede to another plan, upon which he had set his heart still more strongly, of having them abandon Massachusetts and settle in Jamaica.

When Cromwell requested the Massachusetts authorities to furnish reinforcements to aid him in his war against the Dutch, they intimated to him that they "considered themselves at liberty to continue in peace" with their Dutch neighbors, and that "*their own act* was necessary to bring them into a state of

[1] *Annals*, p. 188.

war." Therefore all they did was to "*freely consent and give liberty to his Highness's* commissioners, Major Robert Sedgewick and Capt. John Leveret, to raise within *our jurisdiction* the number of five hundred *volunteers* to assist them in their enterprise against the Dutch, provided the persons might be free from legal engagements."[1]

No public notice was taken of Cromwell's death, and the Massachusetts authorities ignored the order of the Council of State of England to proclaim his son as his successor.

One important act passed in 1651 is mentioned here to explain more fully what follows. This was the navigation act, which was entitled "An act for Increase of Shipping and Encouragement of the Navigation of this Nation." The substance of it was, so far as it affected the American colonies, to prohibit the *export* therefrom of any goods or commodities except in English vessels. But this act was passed chiefly to strengthen the English navy and as a war measure to cripple the Dutch, and, though enforced against the southern colonies, it remained during Cromwell's time a dead letter in Massachusetts.

The years intervening between the meeting of the Long Parliament, in 1640, and the accession of Charles II, in 1660, were years of great prosperity in the Massachusetts commonwealth. After the Pequot war peaceful relations were maintained with the Indians; population rapidly increased; many new towns were established; agriculture flourished; commerce expanded; Boston assumed the character of a

[1] Hutchinson, Vol. 1, pp. 16–89.

commercial metropolis, and boasted many houses "large and beautiful whose continual enlargement presaged some sumptuous city." Johnson[1] gives us this account of the progress which the colony had made in 1642:

"First, to begin with the encrease of food, you have heard in what extream penury these people were in at first planting, for want of food; gold, silver, rayment, or whatsoever was precious in their eyes, they parted with (when ships came in) for this; their beast that died, some would stick before they were cold and sell their poor pined flesh for food at 6d. per pound, Indian Beans at 16s. per bushel; when Ships came in, it grieved some Master to see the urging of them by people of good rank and quality to sell bread unto them. But now take notice how the right hand of the most high hath altered all, and men of the meaner rank are urging them to buy bread of them, and now good white and wheaten bread is no dainty, but even ordinary man hath his choice, if gay cloathing, and a liquerish tooth after sack, sugar, and plums, lick not away his bread too fast, all which are but ordinary among those that were not able to bring their own persons over at their first coming; there are not many Towns in the Country, but the poorest person in them hath a house and land of his own, and bread of his own growing, if not some cattel; beside flesh is now no rare food, beef, pork, and mutton being frequent in many houses, so that this poor Wilderness hath not onely equalized England in food, but goes beyond it in some places for the great plenty of wine and sugar, which is ordinarily spent, apples, pears and quince tarts, instead of their former Pumpkin Pies; Poultry they have plenty, and great rarity, and in their feasts have not forgotten the

[1] *Wonder-Working Providence*, Mass. Hist. Coll., 2d Ser., Vol. 7, p. 36.

English fashion of stirring up their appetites with variety of cooking their food; * * *

"Secondly, For rayment, our cloth hath not been cut short, as but of late years the traders that way have encreased to such a number that their shops have continued full all the year long, all one England; besides, the Lord hath been pleased to encrease sheep extraordinarily of late; hemp and flax here is great plenty, hides here are more for the number of persons than in England; and for cloth, here is and would be materials enough to make it; but the Farmers deem it better for their profit to put away their cattel and corn for cloathing, then to set upon making of cloth. * * *

"Further, the Lord hath been pleased to turn all the wigwams, huts, and hovels the English dwelt in at their first coming, into orderly, fair, and well-built houses, well furnished many of them, together with Orchards filled with goodly fruit trees, and gardens with variety of flowers. There are supposed to be in the Mattachusets Government at this day, neer a thousand acres of land planted for Orchards and Gardens, besides their fields are filled with garden fruit, there being, as is supposed in this Colony, about fifteen thousand acres in tillage, and of cattel about twelve thousand neat, and about three thousand sheep: Thus hath the Lord incouraged his people with the encrease of the general, although many particulars are outed, hundreds of pounds, and some thousands, yet are there many hundreds of labouring men, who had not enough to bring them over, yet now worth scores, and some hundreds of pounds."

Johnson also gives us a further account of the condition of the colonists five years later:[1]

"The Lord is pleased also to compleat this Common-

[1] Mass. His. Coll., 2d Ser., Vol. 8, p. 12.

wealth abundantly beyond all expectation in all sorts of needful occupations, it being for a long time the great fear of many, and those that were endued with grace from above also, that this would be no place of continued habitation, for want of a staple commodity, but the Lord, whose promises are large to his Sion, hath blest his peoples provision, and satisfied her poor with bread, in a very little space, everything in the country proved a staple commodity, wheat, rye, oats, peas, barley, beef, pork, fish, butter, cheese, timber, mast, tar, sope, plank-board frames of houses, clabboard, and pipestaves, iron and lead is like to be also; and those who were formerly forced to fetch most of the bread they eat, and beer they drink a hundred leagues by Sea, are through the blessing of the Lord so encreased, that they have not only fed their Elder Sisters, Virginia, Barbados, and many of the Summer Islands that were prefer'd before her for fruitfulness, but also the Grandmother of us all, even the fertil Isle of Great Britain, beside Portugal hath had many a mouthful of bread and fish from us, in exchange of their Madeara liquor, and also Spain; nor could it be imagined, that this Wilderness should turn a mart for Merchants in so short a space, Holland, France, Spain and Portugal coming hither for trade, shipping, going on gallantly, till the Seas became so troublesome, and England restrain'd our trade, forbidding it with Barbados, &c., and Portugal stopt and took our ships; many a fair ship had her framing and finishing here, besides lesser vessels, barques and ketches, many a Master, beside common Seamen, had their first learning in this Colony, Boston, Charles Town, Salem, and Ipswitch; our Maritan Towns began to encrease roundly, especially Boston, the which of a poor country village, in twice seven years is become like unto a small City, and is in election to be Mayor Town suddainly, chiefly increased by Trade by Sea, yet of late the Lord

hath given a check to our traffique, but the reason may be rendered hereafter; nor hath this Colony alone been actors in this trade of venturing by Sea, but New-haven also, who were many of them well experienced in traffique, and had good estates to manage it, Canectico did not linger behind, but put forth to Sea with the other, all other trades have here fallen into their ranks and places, to their great advantage; especially Coopers and Shomakers, who had either of them a Corporation granted, inriching themseives by their trades very much, Coopers having their plenty of stuff at a cheap rate, and by reason of trade, with forraign parts abundance of work, as for Tanners and Shomakers, it being naturalized into these occupations, to have a higher reach in mannaging their manifactures, then other men in N. E. are, having not chang'd their nature in this, between them both they have kept men to their stander hitherto, almost doubling the price of their commodities, according to the rate they were sold for in England, and yet the plenty of Leather is beyond what they had, there counting the number of the people, but the transportation of Boots and Shoes into forraign parts hath vented all however; as for Tailors, they have not come behind the former, their advantage being in the nurture of new-fashions, all one with England; Carpenters, Joyners, Glaziers, Painters, follow their trades only; Gun-smiths, Lock-smiths, Black-smiths, Naylers, Cutlers, have left the husbandmen to follow the Plow and Cart, and they their trades, Weavers, Brewers, Bakers, Costermongers, Feltmakers, Braziers, Pewterers, and Tinkers, Ropemakers, Masons, Lime, Brick, and Tilemakers, Cardmakers to work, and not to play, Turners, Pumpmakers, and Wheelers, Glovers, Fellmungers, and Furriers, are orderly turn'd to their trades, besides divers sorts of Shopkeepers, and some who have a mystery beyond others, as have the Vintners.

"Thus hath the Lord been pleased to turn one of the

most hideous, boundless, and unknown Wildernesses in the world in an instant, as 'twere (in comparison of other work) to a well ordered commonwealth, and all to serve his Churches, of which the Author intends to speak of three more, which came to be gathered in the compass of these years."

Charles II came to the throne in May, 1660, and from this time forward the relations between the colonists and England show more and more clearly their purpose to establish an independent government; from this time the struggle to maintain their charter is seen more and more clearly to be a struggle for independence. In the general acclaim with which the restoration of Charles II was greeted by his subjects, Massachusetts did not join. No proclamation of his accession was made there, nor was any notice of it entered on the records of the General Court until fifteen months afterward, and then it was announced in a proclamation so framed, according to Chalmers, that "the authority from which that monarch derived his kingship was carefully concealed, in order that the people of that jurisdiction [Massachusetts] might consider the whole *as an election recent and provincial*."[1] Chalmers adds that "with a characteristic sourness, the General Court published an order on the same day 'prohibiting all disorderly behaviour, and particularly that *no person shall presume to drink his majesty's health*.'"

Soon ominous tidings began to come from England. John Leveret, the colonial agent, wrote home

[1] *Annals*, p. 253; Palfrey, Vol. 2, pp. 517-518.

about the changes which had taken place there; how "Episcopacy, Common Prayer, bowing at the name of Jesus, sign of the cross in baptism, the altar and organs are in use, and like to be more." Complaints to the king began to pour in from Quakers, Baptists, Episcopalians, and all who had suffered from the persecution or oppression of the Massachusetts authorities. It was deemed advisable, therefore, in December, 1660, to send addresses to the king and Parliament, filled with professions of loyalty, and to ask the aid of influential persons in England in counteracting the efforts of the enemies of the commonwealth.

John Eliot, the "apostle," had published a book, entitled "The Christian Commonwealth,"[1] in which he had outlined the framework of a Biblical commonwealth fashioned after the form "approved of God, instituted by Moses among the sons of Israel," with "rulers of thousands, of hundreds, of fifties, and of tens, who shall govern according to the pure, holy, righteous, perfect and good law of God, written in the Scriptures of the Old and New Testament." He also expressed in the book his firm conviction that the time had come when "the Lord is about to shake all the earth and throw down that great Idol of Humane Wisdome in Governments, and set up Scripture Government in the room thereof." The book was visionary and the scheme proposed was impracticable, but no offense was taken when the book was published. Indeed, it is not improbable that there were many in the commonwealth

[1] The book is reprinted in Mass. His. Coll., 3d Ser., Vol. 9.

who thought Eliot's scheme of government an improvement upon their own; but in May, 1661, the General Court "taking notice" of the book discovered that there were in it "sundry passages and expressions" which were "justly offensive and in speciall relating to Kingly Government in England," and Eliot was compelled to make a public retraction.

No substantial change, however, was made in the form of government, nor was any attention paid to the royal requests, nor was any substantial alteration made in the laws passed in the reigns of the king's royal predecessors.

Soon after the accession of Charles II a Council of Foreign Plantations was organized, and in 1661 twelve Privy Councillors were appointed a committee upon the affairs of New England.

Among the first acts passed after the accession of Charles II were the navigation acts, passed in 1660 and 1663. The navigation act of 1651 had merely prohibited *exports* from the American colonies, but the new acts provided that "no commodity of the growth or manufacture of Europe, shall be *imported* into any of the king's plantations in Asia, Africa, or America, but what have been shipped in England, Wales or town of Berwick, and in English built shipping, whereof the master and three-fourths of the mariners are English, and carried directly thence to the plantations," excepting salt for American fisheries, wines from Madeira and the Azores, and provisions from Scotland. The objects of these acts, as declared in the preambles to them, were "the keeping of his Majesty's subjects in the plantations in a

firmer dependence," the "increase of English shipping," and "the vent of English woolens and other manufactures and commodities." The severe penalty for violation of either of the acts was forfeiture of both ship and cargo.

Fresh complaints began to come to the king concerning the doings of his subjects in Massachusetts, and the talk of sending over a royal governor was renewed. The Rev. John Norton and Simon Bradstreet were sent as agents to England with carefully worded instructions "to present us to his Majesty as his loyal and obedients subjects," and to "endeavor to take off all scandal and objections which are or shall be made against us," but at the same time it was specially enjoined upon them that, "you shall endeavor the establishment of the rights and privileges we now enjoy," and that "you shall not engage us by any act of yours to anything which may be prejudicial to our present standing, *according to patent*."[1]

Another address (dated June 15, 1661) was sent. The king returned by Bradstreet and Norton a kind and considerate answer (dated June 28, 1662), designed to allay apprehensions concerning the loss of the charter, and offering to renew it. But in his letter the king made several demands which were ill received by the colonists. These were, in substance, that all their laws and ordinances which were contrary or derogative to the king's authority and government should be repealed; that the charter rules for administering and taking the oath of allegi-

[1] Palfrey, Vol. 2, p. 524.

ance should be observed; that the administration of justice should be in the king's name; that those who desired to use the book of Common Prayer and to worship after the manner of the Church of England "be not denied the exercise thereof, or undergo any prejudice or disadvantage thereby," and that "all freeholders of competent estates, not vicious in conversation, orthodox in religion (though of different persuasions concerning church government), may have their vote in the election of all officers, civil and military." The king was careful to add this: "We can not be understood hereby to direct or wish that any indulgence should be granted to those persons, commonly called Quakers, whose principles, being inconsistent with any kind of government, we have found it necessary, with the advice of our parliament here, to make sharp laws against them, and we are well content that you do the like there." It must be admitted that the demands of the king were reasonable, especially the demand that the members of his own church should enjoy the same religious freedom which he allowed the colonists.

The letter of the king returned by Bradstreet and Norton was received by the General Court in October, 1662, but it was not entered on the records of the General Court until May, 1665, more than two years afterward.[1] The demands which it contained were extremely distasteful to the authorities of Massachusetts. A scapegoat was sought, as is usual when the people are angry. In this instance the blame was laid on Norton, who, as some asserted, "had laid the

[1]Mass. Rec., Vol. 4, Pt. 2, p. 58.

foundation of ruin to all our liberties." This was a most mortifying accusation to one who, like Norton, for so long a time had been so prominent and influential among his fellow-citizens. He drooped under it and died a few months afterward. The Quakers, it may be added, did not fail to interpret his death as a "sign" of Divine vengeance upon him for the part he had taken in persecuting them, and they reported it to the king and Parliament as one of the "remarkable judgments" upon their persecutors.

The controlling spirits in the colony had no idea of complying with the demands of the king, or of acquiescing in any of his wishes, except the one relating to the Quakers, which alone met with their hearty approval. But as they were not "abel" to resist by arms, they again began to "avoide or protract," and to send more addresses. By this time, however, the king had become satiated with addresses, and in 1664 he sent two war ships and several hundred soldiers to Boston, with four commissioners, to whom were given "full power and authority to heare and receive and to examine and determine all complaints and appeales in all causes and matters, as well military as criminal and civil." They were also instructed "to see how the charter was maintained on their part." One of the commissioners was Maverick, a bitter enemy of the colonists, who had been fined, imprisoned and banished by them. As soon as the General Court was apprised of what was coming, it ordered the hiding of the charter and appointed messengers charged, among other duties, "to present their respects" to

the commissioners and to request that the under officers and sailors coming on shore "at no time exceed a convenient number, and that without arms, and that they behave themselves orderly amongst his Majestys good subjects here *and be careful of giving no offence to the people and laws of this place.*" Having done this, the General Court awaited the arrival of the ships. They cast anchor in Boston harbor on July 23, 1664—the first of the royal navy that had ever been seen there.

The commissioners presented to Governor Endicott and the magistrates their commission and instructions, together with a letter to the governor from the king, in which he stated that the answer to his letter sent by Bradstreet and Norton "did not answer his expectations." The instructions required the commissioners, besides inquiring into the complaints of usurpation of authority, to inquire particularly how his demands in the letter sent by Bradstreet and Norton had been observed.

Two other points were impressed upon the commissioners in a set of private instructions to them. One was to secure to the king the right of nomination or approval of the governor; the other was that the militia should be put under command of an officer nominated or recommended by the king.

The commissioners desired that the General Court should be called to consider the king's demands, but excuses were given and the General Court was not convened until after the commissioners had departed. Not being able to extort from the governor and magistrates any such concessions as their instructions

called for, the commissioners did not tarry long in Boston, but left to settle matters in other of the New England colonies and in New York, intending to return to Boston after this had been accomplished.

After the departure of the commissioners, the General Court held a meeting and proceeded to repeal the law limiting the right of voting to church members, but immediately enacted another which required, as a condition precedent to the admission of freemen, "a certificate under the hands of the minister or ministers of the place where they dwell that they were *orthodox in religion* and not vicious in their lives, &c.," thus practically leaving to the ministers, as before, the power of admitting to citizenship. The General Court also appointed a committee to draw up another address to the king, petitioning for a continuance of the privileges of the charter, "filled with such rational arguments as they could find to the end aforesaid." The petition, among other "arguments," set forth that "This people did at their own charges transport themselves, their wives and families over the ocean, purchase the land of the natives and plant this colony with great labor, hazard, costs and difficulties; * * * having also now above thirty years *enjoyed the aforesaid power and privilege of government within themselves, as their undoubted right in the sight of God and man*," and especially protesting against the appointment and authority of commissioners "to heare, receive examine and determine all complaints and appeals in all causes and matters as well military as criminal and civill * * * whereby instead of being gov-

erned by rulers of our own choosing (*which is the fundamental privilege of our patent*) *and by laws of our owne*, we are like to be subjected to the arbitrary power of strangers, proceeding not by any established law, but by their own discretions." To this address Clarendon, then Lord Chancellor, returned a brief and caustic reply, in which he stated that he was "amazed to find that you demand a revockation of the commission and commissioners without laying the least matter to their charge of crymes or exorbitances"; that he knew not "what you mean by saying the commissioners have power to exercise government there altogether inconsistent with your charter and privileges"; insisting that "if in truth, in any extraordinary case, the proceedings there have been irregular and against the rules of justice, as some particular cases, particularly recommended to them by his Majesty, seeme to be, it can not be presumed that his Majesty hath or will leave his subjects of New England without hope of redresse by an appeale to him, which his subjects of his other kingdoms have free liberty to make." He concluded with this pointed advice: "I can say no more to you but that it is in your owne power to be very happy, and to enjoy all that hath been granted to you; *but it will be absolutely necessary that you performe and pay all that reverence and obedience, which is due from subjects to their king, and which his Majesty will exact from you*, and doubts not but to find from the best of that colony, both in quality and in numbers."[1]

[1] Both the address and Clarendon's answer are given in full in Hutchinson, Vol. I, Appendix, pp. 460–465.

The commissioners, after leaving Boston, went first to New York. They next went to Plymouth; then to Rhode Island; and then to Connecticut. To each of these were made in substance the same proposals contained in the letter of the king sent by Bradstreet and Norton to Massachusetts, which were:

"1. That all householders should take the oath of allegiance, and that justice should be administered in the king's name; 2. That 'all men of competent estates and civil conversation, though of different judgments, might be admitted to be freeman, and have liberty to choose and be chosen officers, both civil and military'; 3. That 'all men and women of orthodox opinions, competent knowledge, and civil lives, not scandalous,' should be admitted to the Lord's Supper and have their children baptized, either in the churches already existing, or in congregations of their own; 4. That 'all laws, and expressions in laws, derogatory to his Majesty,' should be 'repealed, altered, and taken off from the file.'"

In all these colonies satisfactory replies were received which elicited the commendation of the king.

Again the commissioners turned their steps to Massachusetts where the rebellious colonists, now left alone, awaited their coming without the least sign of fear or trembling. The commissioners arrived in Boston in May, 1665, and at once resumed discussion with the authorities of the demands of the king. The crisis had now arrived and it was impossible longer to "avoide or protract." The General Court met the complaints of the commissioners with firmness and consummate skill, denying some, justifying some, and adroitly parrying others. Not a single

essential point in the claim of the colonists was yielded by the General Court; not one of the essential demands of the king was assented to. The culmination of the controversy, which lasted about a month, was the attempt of the commissioners to extort from the General Court its acknowledgment of their authority to sit as a court of appeal for the hearing of complaints against it.

After much skillful parrying by the General Court, the commissioners, on May 18, 1665, thought to bring discussion to a head by a communication containing this pointed inquiry:

"His Majesty sent us with commission to sit as a court of appeals in these his majesty's dominions; but we are told that the inviolable observation of your charter seems inconsistent with our hearing and determining complaints and appeals; whereupon we have thought it necessary to reduce all the discourse thereof into one question, whereunto we expect your positive answer, which we shall faithfully report to his majesty: *whether you do acknowledge his majesty's commission*, wherein we are nominated commissioners, to be of full force to all the intents and purposes therein contained."

The answer being evasive and unsatisfactory, Col. Nichols, the head of the commission, on the same day addressed the General Court in this plain language:

"The King will not suffer himself to be deluded, nor his counsels to be frustrated; and I hope you will find better counsels about you, and tell us plainly and truly whether you will submit to that commission, without any shuffling.

Otherwise, I must say openly and freely to you, when his majesty's Commissioners have not that power, that his commission may not bear authority here, it is time for us to be gone out of the country; and, for that cause of imparting, we like not. We are a court by his majesty's authority, or else we have nothing to do in the Country. We shall leave his majesty to speak in his own language to you afterwards."

To this the General Court, on May 20, answered as follows:

"We have only pleaded his majesty's royal charter granted to us, which we have reason to hope will be acceptable to his majesty, it being his special charge to yourselves not to disturb us therein. Your proposal to that instruction for us to answer to complaints, whereof you say you have had many against us, was the occasion of our reply to yourselves, signifying that we apprehended our charter to be infringed by your proceedings."

But at the same time the General Court offered to give the commissioners "an account" of any of their proceedings with which they might be "unsatisfied." This did not satisfy the commissioners, who on the same day continued to "insist upon the former question, and therefore," they said, "we are necessitated to declare once more to you, that your positive answer thereto ought to be had, before we proceed to act according to the virtue of his majesty's commission." On May 22 the General Court made answer that: "We humbly conceive it is beyond our line to declare our sense of the power, intent or purpose of your commission; it is enough for us to acquaint you, what we conceive is granted to us by his

majesty's royal charter. If you rest not satisfied with our former answer, it is our trouble, but we hope it is not our fault."

Exasperated by their failure to elicit from the General Court the acknowledgment sought, the commissioners, on May 23, gave notice that at 9 o'clock the next morning, at Captain Breedon's house in Boston, they would sit "as his majesty's commissioners to hear and determine the cause of Mr. Thomas Deane and others plfs. against the governour and company, and Joshua Scottow, merchant, defts. for injustice done Mr. Deane and others, when the Charles, of Oleron, came into this port, whereof we thought fit to give you this notice, that the governour and company is complained of, and that we do expect you will, by your attorney, answer to the complaint." The General Court immediately met this last move of the commissioners by issuing a proclamation denying their authority to proceed with the hearing, and on the next day, before the appointed time, a messenger of the General Court appeared, and with a trumpet announced the proclamation, forbade the people attending the hearing, and then summoned Deane and his co-plaintiffs to appear before the court for a rehearing of their complaints, and sent an invitation to the commissioners to be present at the hearing, if so inclined.

Finding themselves baffled at every point, the commissioners abandoned the contest and departed.[1]

[1] For a fuller account of the controversy between the Commissioners and the General Court, see 1 Hutchinson, 215–228; Danforth Papers, Mass. His. Coll., 2d Ser., Vol. 8, p. 46.

After leaving Boston, the commissioners went to Maine to adjust the claims of Gorges and Mason, between whom and Massachusetts there had been a long and bitter contest over the question of jurisdiction of that province. Despite the continued and vigorous protest of the Massachusetts authorities, the commissioners set up a government there, but after they had left the country, Massachusetts, in defiance of the king's commands and the action of the commissioners, again assumed jurisdiction, overturned the courts established by the commissioners, and set up others created by the General Court.

On April 10, 1666, an order was made by the king recalling the commissioners, forbidding any interference with Maine, and requiring the General Court to send four or five persons to England with authority to answer the complaints which had been made against Massachusetts. No attention was paid to the order to send agents to England, and, as we have seen, the authorities openly defied the order forbidding interference with Maine.

In September following petitions were presented to the General Court from some of the inhabitants requesting compliance with the king's demands, but "the signers gave offence to court and severall from each town, were summoned to appear to answer for the same."

As if to make some atonement for all this defiance of royal authority, the General Court, on April 21, 1669, sent to the king a present of a ship-load of masts, of which he was then greatly in need, and the gift was graciously acknowledged by him.

There can be no question that at this time, if not before, the colonists were in rebellion, and there is not the slightest doubt that they would have been in armed rebellion if they had felt themselves "abel" to maintain it with any assurance of success. Already, as Clarendon expressed it, they had been "hardened into a republic."

Some of the grounds of their claim of right to establish and maintain an independent government were hinted at in the petition ordered to be drawn up by the General Court prior to its meeting with the royal commissioners. But all the grounds of their claim to independence were not stated in that petition, for the obvious reason that probably this would have precipitated at once a conflict of arms for which the colonists did not then deem themselves prepared. So, in the petition, they were simply feeling their way, venturing only as far as they dared, not as far as they wished, in the assertion of what they conceived to be their rights.

Just what were the rights guaranteed by the charter it is difficult to determine. The charter, as has been shown in a former chapter,[1] was in some respects vague and indefinite in its terms, especially in the parts which failed clearly to define the boundary lines between the municipal authority of the company and the sovereign power of England. This was a fault in the charters of similar companies. Nothing could be found, nothing ever has been found, either in the law of nations or in judicial precedents, authoritatively settling the construction

[1] Chapter II.

of such charters or the disputed questions arising out of them. Upon some of them learned lawyers and commentators have expressed opinions, but they do not agree in their opinions.

In determining the validity of the claims made by the colonists, it is evident that the transfer of the charter from England to America could not affect the construction of it. Its language meant the same thing in one place as in the other.

And, granting that the company had a right to move itself, as well as its charter, to America, it could not by such transfer enlarge its powers. A corporation now in Massachusetts could not enlarge its powers by moving from one town to another.

Nevertheless, here in America was a colony rapidly growing in population and wealth, three thousand miles from the mother country. It was essential that there should be a local government and that the authority for establishing it should be derived from some source. In determining where this authority was vested and what were its boundaries there are several rights to be considered.

First. There was the right of England to sovereign power.

Second. There was the right of local self-government of the Massachusetts Company, derived from the charter.

Third. There was the right of local self-government, possessed alike by the inhabitants of the colony, whether members of the Massachusetts Company or not, and not derived from any charter, but based upon the laws and customs of England, or possessed

as an inherent right by the members of the community.

However these various rights were to be defined and reconciled with each other, it became plain at the outset that steps were necessary to the formation of a local government of some kind. As the colony grew and its population, commerce and wealth increased, it became necessary to pass additional laws and regulations, and the local government was continually expanding its powers.

The colonists did not, as already stated, base authority to exercise the powers which they assumed upon any inalienable or inherent rights. More than a hundred years later such rights were prominently set forth in the Declaration of Independence. But the great body of the Puritans had not progressed so far in their ideas of republican government during the period of the commonwealth. The Puritans in England, in the great rebellion, had rebelled not so much against monarchy as against the monarch.

The colonists, as we have seen, based their assertion of right to govern themselves in America very largely upon the charter itself. According to their construction of it they did not, of course, consider their powers of government limited to the making of laws and ordinances relating to such matters of local concern as in this day are usually left to subordinate municipalities. If their laws and ordinances had been so limited, no question would have been raised either as to the derivation or the exercise of their powers of local self-government. But the colonists

did not stop with the exercise of such powers. They punished citizens for exercising the right to worship according to their own religious views. They required oaths of fidelity to the commonwealth. In 1643 "there arose a scruple" about taking that part of the oath of office which required the office-holder to swear allegiance to the king, "whereupon it was thought fit to omit that part of it for the present," and for many years this "scruple" continued to prevent such recognition of royal authority. Lechford records that in the freeman's oath, "I doe not remember expressed that saving which is and ought to be in all oathes to other Lords—*Saving the faith and truth which I beare to our Soveraigne Lord the King*, though I hope it may be implyed." But no such "saving" was either expressed or implied. The colonists failed also to set up the king's arms in the courts of justice, probably by reason of the same "scruple" before mentioned. Their laws nowhere acknowledged that the authority for making them was derived either from the king or Parliament, and the enacting clause was merely, "It is ordered by this Court & *the authority thereof*." Their legal processes omitted the name of the king and ran in the name only of the commonwealth. They coined money. They ignored, and refused obedience to, the English navigation acts. They denied the right of appeal to any appellate court or tribunal from the decree of their own courts. And, finally, they denied the authority of the English government to have tried and determined by any of its tribunals complaints against the colonists for alleged abuse of

the powers granted to them, or for alleged usurpations by them of powers not granted.[1]

If the colonists had any such rights as they claimed, they did not derive them from the charter. By their acceptance of it they had acknowledged the sovereign jurisdiction of England over the territory covered by it, and her authority to make the grant which was made. By their acceptance of the charter they had also recognized the authority of England to levy and collect taxes, one of the highest attributes of sovereignty.

Whatever legislative authority was granted to the company was given with the express reservation that the laws and ordinances enacted pursuant to it "be not contrary or repugnant to the laws and statutes of this our relm of England." Jurisdiction to determine whether they were contrary or repugnant was in the sovereign power itself, just as the jurisdiction to determine whether the laws of the states are contrary or repugnant to the constitution or laws of the United States is vested in the federal and not in the state courts.

And, inasmuch as the company was a corporation invested only with such powers as were granted to it, undoubtedly authority was reserved to inquire, by *quo warranto* or other appropriate judicial proceedings, whether the grantees were abusing the powers granted or were usurping those not granted at all.

[1] In the *Andros Tracts* is a reprint of a paper printed in 1689 containing "an abstract of some of the printed laws of New England, which are either contrary, or not agreeable to the laws of England." Vol. 3 p. 13.

It is difficult, therefore, to find any plausible argument, based on reasons then urged, on which to sustain the claim made by the colonists of their right to establish and maintain an independent government, or to exercise the powers which they did exercise. That the people of this country had ample grounds in later years to support such a claim does not affect the question of the rights of the colonists under their charter.

It should be observed, however, in this connection that the colonists never admitted the right of English rulers to exercise the taxing power in the arbitrary manner in which it was used by Charles II in the later years of his reign, and no one, when the charter was granted and accepted, could have foreseen that it ever would be so exercised.

For several years afterward there was another lull in the efforts of the English rulers to bring to terms their rebellious subjects in Massachusetts. But it must not be supposed that this lull was due either to the present of the ship masts, or to ignorance of, or indifference to, what was going on in Massachusetts.

War between England and the Dutch had begun in 1664. In 1665 a dreadful plague had carried off more than one hundred thousand of the English people, and in 1666 a great fire had swept London from one end to the other, leaving fifty thousand people homeless. The bold De Ruyter scoured the ocean and chased the British fleets into the Thames and the Medway. In 1667 he sailed up the Thames, destroyed the shipping at Sheerness, burned the English men-of-war in the sight of all England, and

blockaded the capital. On the day when the roar of his guns was heard in the streets of London, the day on which England had sunk to the lowest depths of her degradation, it is said that the "Merry Monarch" was feasting and playing with the dissolute women of his court. A humiliating peace with the Dutch was declared in the same year, but it was of short duration. The condition of England continued to be such as to allow but little thought of the colonies in America. A profligate and wasteful monarch and an equally profligate and wasteful ministry had bankrupted the treasury and impoverished the people. Dissensions and scandals at home and defeats abroad had brought continued disaster and disgrace to the English people. Their thoughts were turning to Oliver Cromwell and the proud position of England among the nations of the earth when he ruled, and they were beginning to wish that another like him might appear to rescue the honor of the kingdom. Another war with the Dutch broke out and the attention of rulers and people, of the whole world, was directed to the terrific naval battles in which England sought to regain her prestige on the ocean and to establish again the glory of the English navy.

But even during this period the English rulers were not wholly oblivious to affairs in the Massachusetts commonwealth. At one of the meetings of the Council of Foreign Plantations, held in 1671, there was a discussion as to the form of a circular letter to be sent to the New England colonies which appeared "to be very independent as to their regard to Old England or his Majesty, rich and strong as they now

were." Some apprehension was expressed of the colonists "breaking away from all dependence on the Nation," and there were doubts whether it were better policy to send "a menacing or a conciliatory letter." It was finally determined to send a conciliatory letter by an agent to be selected for that purpose, but, owing to the pressure of more important public matters in England, neither agent nor letter was sent.

XVI

THE STRUGGLE FOR INDEPENDENCE AND THE REVOCATION OF THE CHARTER — GENESIS OF A STILL GREATER REPUBLIC—CONTINUED

PEACE with the Dutch was declared in 1674, and the management of colonial affairs was again vested in the Privy Council, which exercised its authority in such matters through a standing committee called "The Lords of Trade and Plantations."

Two years before this, however, Parliament had passed another and still more odious act, intended to supplement the former navigation acts. This act imposed duties upon sugars, tobacco, indigo, cotton, wool and other commodities, transported *from one colony to another*.

Meantime the enemies of the commonwealth had not been idle. Gorges and Mason were persistent in their complaints of the infringement of the commonwealth on the territory which they alleged was covered by the patent issued to them. And the London merchants were continually complaining of the violation by the colonists of the navigation laws. But the most active and implacable of the enemies of the commonwealth was Edward Randolph. Besides being entrusted with various offices and special missions, he was the person usually selected to carry messages from the king to the colonists, to gather

and report to the king and privy councilors such information as they desired, and he was depended upon as a general informer to spy into and report the misdoings of the people of Massachusetts.

In the execution of the various missions entrusted to him, he was as untiring as he was relentless. He made himself thoroughly familiar, even to the minutest details, with the organization of the government established in the commonwealth, and the workings of every department of it, with the customs and manners and characteristics of the inhabitants, and even with the opinions which prevailed among them on every matter which was the subject of discussion. The Commissioners of Plantations acknowledged "that they had received more information from him about New England than of all other men." In carrying on the business in which he was engaged, he is said to have made no less than eight voyages across the Atlantic within a period of nine years.[1] He flitted back and forth like a bird of ill omen, now coming from England with threatening messages, then returning with fresh complaints to the king of the performances in America, telling him that the colonists paid no more attention to his letters than they did to the London Gazette, and urging the institution of *quo warranto* proceedings which, he said, would "unhinge their government." In America, he was always busy tormenting the authorities, fomenting dissensions and discontent, and collecting evidence to be used against the colonists. In England,

[1] He wrote a "short narrative" of his "proceedings and several voyages to and from New England to Whitehall," which is reprinted in the *Andros Tracts*, Vol. 3, p. 214.

he was equally busy in presenting new complaints and furnishing proofs of them, and pouring into the ears of the king and privy councilors stories calculated to inflame them and spur them on to more vigorous action against the king's subjects on this side of the Atlantic. By the colonists he came to be looked upon as one "who went up and down to destroy them." The one object of his life seemed to be the destruction of the Massachusetts commonwealth.

The complaints against the Massachusetts authorities continued coming to the king from all quarters, but, so far, neither his requests nor his orders had been sufficient to induce the General Court to send agents to England. The excuse given, when any was given at all, was "that the colony was too poor to employ agents, and had no meet instruments."

At last the king, pursuant to a recommendation of the Privy Council at a meeting held in December, 1675, sent Randolph as a special messenger to Massachusetts, with a letter referring to the complaints of Gorges and Mason, and requiring that the colony send over agents to answer the charges made, and threatening that, if the authorities persisted in disregarding his demands, the charter would be annulled.

Randolph arrived in the beginning of the year 1676, and, as the General Court was not in session, he submitted the king's letter to the governor, John Leverett, and the magistrates. The letter was attested by the king's private secretary, Henry Coventry. The governor pretended that he had never heard of him and asked Randolph who he might be. Upon being informed, the governor then read the

letter aloud, but, as if to emphasize his contempt for both the king and his messenger, he sat during the reading with his hat on and his example was imitated by some of the magistrates.

Randolph requested that the General Court be convened in order that steps might be taken to comply with the king's demands, but various excuses were found and the court was not called together until after his departure.

The brief answer to the king's letter returned by the governor and magistrates denied the complaints made against the colony, but stated that it would be necessary, in order to make a suitable reply, to convene the General Court.

During Randolph's stay he busied himself, as usual, in prying into the affairs of all the New England colonies, and especially in stirring up disputes and fomenting factions in Massachusetts. He did not fail to observe the open violation of the navigation acts and complained of this to the governor. The governor treated his complaints very uncivilly. The reply which he gave to Randolph concerning these complaints is proof of the rapid progress which had been made up to that time by the Massachusetts colonists in the development of their purpose to set up and carry on a government of their own. This reply, according to Randolph, was as follows:

"He freely declared to me that the laws made by your Majesty and your Parliament obligeth them in nothing but what consists with the interest of that Colony; that the legislative power is and abides in them solely to act and make laws by virtue of a charter from your Majesty's royal father;

and that all matters in difference are to be concluded by their final determination, without any appeal to your Majesty; and that your Majesty ought not to retrench their liberties, but may enlarge them if your Majesty please; and said your Majesty had confirmed their charter and all their privileges by your Majesty's letter of the 28th of June, 1662, and that your Majesty could do no less in reason than let them enjoy their liberties and trade, they having, upon their own charge, and without any contribution from the crown, made so large plantation in the wilderness.''[1]

After Randolph's departure the General Court was convened and, the elders having first been consulted, it was deemed advisable to comply with the king's demand to send over agents. Stoughton and Bulkeley were selected for that purpose and were dispatched, in 1677, with instructions to answer the complaints of Gorges and Mason, but they were specially enjoined to use the "utmost care and caution" in keeping within the limits of their instructions and "in the preservation of our patent liberties."

When the claims of Gorges and Mason were submitted to the English judges the latter decided that neither Mason nor Massachusetts had any legal right to the four towns of Hampton, Exeter, Dover and Portsmouth, over which Massachusetts had before exercised jurisdiction, and these were forthwith constituted a royal province named New Hampshire and placed under the control of Edward Cranfield.

The judges decided in favor of the claims of Gorges's heirs to the province of Maine, which the king wished to bestow upon one of his illegitimate

[1] Palfrey, Vol. 3, p. 287.

sons. This wish of the king, however, was thwarted by the purchase of the rights of the Gorges heirs by the agents of Massachusetts.

As might have been foreseen, this action of the Massachusetts authorities served still further to inflame the anger of the king, who, as soon as he was informed of it, sent a message to the General Court demanding the surrender of the province by Massachusetts upon repayment of the sum paid to the Gorges heirs and at the same time demanding compliance with the long neglected commands of himself and his royal predecessors. The General Court, however, refused to surrender the province of Maine, nor did it make any haste to comply with the other commands of the king.

The Gorges and Mason controversy having been disposed of, the Massachusetts agents were questioned by the Commissioners of Plantations concerning their authority to answer other complaints. The agents amazed the commissioners by answering "that they had no other power than to defend the claims of these men [Gorges and Mason], but were not authorized to answer any other question *than as private men*"; whereupon they were informed "that his Majesty did not think of treating with his own subjects as with strangers, and to expect the formality of powers."[1]

Stoughton and Bulkeley remained in England nearly three years, and, while there, the General Court forwarded to the king several more addresses, but it showed no disposition to comply with the most

[1] Chalmers's *Annals*, pp. 403–4.

essential of the king's demands. One of the matters on which the king was most insistent was compliance with the navigation acts, but in one of its addresses the General Court had the boldness to assert that these were "an invasion of the rights, liberties and properties of the subjects of his majesty in the colony, *they not being represented in Parliament*"—thus, for the first time, distinctly putting forth one of the cardinal points urged nearly one hundred years later in the Declaration of Independence.

The objection now brought forward to the exercise by the English government of the power to tax the colonists deserves special attention as clearly marking the beginning of the claim persistently urged from that time to the Revolution, and emphasized in the Declaration of Independence.

It was the arbitrary and despotic exercise of the taxing power by the English rulers which, more than all other causes combined, led to the revolution. It is true that by the acceptance of the charter the colonists had recognized, in a general way, the right of the English government to tax them. But it was a cardinal principle of the unwritten English constitution that there should be no taxation without representation, and, though the charter did not expressly give the colonists the right of representation, they might well argue that this was implied as one of the conditions precedent to the imposition of taxes upon them. However this may be, they were clearly right in contending that it could not have been intended, either by those who granted, or by those who

accepted the charter, that the taxing power should be perverted from its legitimate governmental function and used to cripple the commerce and to destroy the manufactures of the colonists. Such a perversion of it as was exhibited in the reigns of Charles II and George III justifies revolution as a last resort, and would be as certain to lead to rebellion in any land inhabited by people who have inherited English ideas of constitutional liberty as it did in America in 1776.

It being evident that nothing could be accomplished through the agents then in England, they were permitted to return, bringing with them a letter from the king, dated July 24, 1679, in which he demanded that other agents be sent over within six months, fully instructed and authorized to make the answers and transact the business desired by the king.

A synopsis of the king's letter, as given in Chalmers's Annals,[1] shows that "among other requisitions, he commanded: That liberty of conscience should be allowed to those of the church of England, or other subjects, not being papists; that all of competent estates should be admitted freemen and magistrates; that the number of assistants, which the charter required, should be chosen in future; that those, who were invested with any privilege or office, should take the oath of allegiance; that military commissions and process of courts should run in his name; that all ordinances, repugnant to the laws of trade, should be abolished; that every assistance should be given to the collector of his customs, in discharge of his duty."

[1] P. 409.

Randolph followed immediately after the returning agents, bringing with him a commission appointing him customs-collector at Boston.

No attention was paid to the king's demand to send over other agents, further than to make the poor excuse, which was probably regarded by the king as worse than none, "that the country was poor; proper persons were afraid of the seas, as the Turkish pirates had lately taken their vessels, and that his majesty was still employed in the most important affairs." The General Court complied with some of the least important of the king's demands by filling up the number of assistants, requiring oaths of allegiance, and issuing commissions and process in the king's name; but no substantial change was made in the laws or in the established policy of the commonwealth.

When Randolph began to exercise his office, he was at once met with persistent and violent opposition and was hindered by the authorities in every way possible. He was prosecuted and fined, and denied an attorney. His servants were mobbed and the vessels seized by him were forcibly taken from him. Toward the end of 1680 he returned to England to make fresh complaints and to get enlarged authority.

When reports of the manner in which his commands had been treated were laid before the king, they served, as might have been expected, to increase his resentment and to strengthen his determination to bring the Massachusetts government under subjection to royal authority. He wrote

another letter to the General Court, repeating his former remonstrances and admonitions and directing that other agents be sent within three months with authority to settle the matters in controversy.

In the early part of 1681, Randolph came again, this time armed with a commission as "Collector, Surveyor and Searcher for all New England," but no more respect was paid to his authority than before, and when he requested to know of the General Court "whether it will admit the patent above mentioned [his commission] to be in force or not, that he may know how to govern himself," the Court remained silent.

The king sent another severe letter to the General Court (dated October 21, 1681), characterized by Chalmers as "perhaps the most extraordinary one ever sent by a sovereign to his subjects; containing a sketch of the history of the disobedience of Massachusetts, as drawn by the then ministers of England." We "once more," the letter concludes, "charge and require you forthwith to send over your agents fully empowered and instructed to attend the regulation of that our government, and to answer the irregularity of your proceedings therein," and threatening that on failure to do so, *quo warranto* proceedings would be instituted "whereby our charter granted unto you, with all the powers thereof, may be legally evicted and made void. And so we bid you farewel."[1]

It was now plain that the king could no longer be put off by addresses, and that failure to comply with the royal demand for sending new agents would not

[1] Chalmers's *Annals*, pp. 443–449.

be excused by the king, either on account of the expense or of the apprehension of their capture on the way by Turkish pirates. Indeed, in regard to the latter contingency, there is little room for doubt that the king would not have mourned over it as a national calamity if the pirates had captured the agents and all the members of the General Court. There was nothing left to do, therefore, but to comply with the royal demands, and Joseph Dudley and John Richards were selected as agents and sent to England. They sailed on May 31, 1681. Randolph was at their heels to dispute anything they might say, and to thwart any efforts that might be made by them to allay the displeasure of the king.

The colonial agents, in August following their arrival in England, submitted to the king's councilors a voluminous document containing answers to the various demands and complaints contained in the king's former letters, and especially to those contained in his letter of October 21, 1681, referred to in the preceding pages.[1] Some of the most serious demands and charges, together with the answers thereto, are here given. They will serve to show the general character of the complaints made by the king against the Massachusetts colonists and of the reasons then urged by the latter in justification of their former course.

[1] The document is given in full in Chalmers's *Annals*, pp. 450–461. It sets out first in a column entitled "Charges," a brief synopsis of the various requirements and complaints made in former letters of the king; next in a column entitled "Answers," the matters alleged by the colonists in excuse or justification, and next in a column entitled "Proofs," the evidence adduced in support of the answers.

Charges.	*Answers.*	*Proofs.*
His majesty's letter, of the 24 July, 1679, to the governor and company of the Massachusets colony, requires: 1stly. That agents be sent over in six months, fully instructed to answer and transact what undetermined at the time.	To which the agents of the said colony humbly answer: That the delay of sending such agents hath been occasioned by the danger of the seas; Connecticut agent and several others having been taken by the Turks, and ransomed at extreme rates. That the arrear of debt, by reason of the late war with the Indians, had so far impoverished them, as to make them almost incapable of the expence of such attendance.	This the agents know.
		And the debt of the colony was, at the receipt of those letters, about 20,000 l.
2dly. That freedom and liberty of conscience be given to such persons as desire to serve God in the way of the church of England, so as not to be made thereby obnoxious, or discountenanced from sharing in the government. Much less that they, or any other of his majesty's subjects, (not being Papists,) who do not agree in the congregational way, be by law subjected to fine or forfeitures, or to other incapacities, for the same.	There is no law nor usage there to bar the use of the English liturgy, nor have any persons been obstructed who desired the same; nor is there any law to hinder any persons of the church of England from being chosen into the government, but the vote and suffrage of the people are free and without any restraint for such, as well as any others.	New Engl. Laws, p. 56. The law, prohibiting all persons, except members of churches, from being freemen, is repealed. And the agents know the practice to be as in their answer.
	Whatever has been formerly, there is now no law put in execution against dissenters but what is consonant to the law of England, and of like force against those of the congregational way as any others.	The agents know this to be true. Vid. Laws, fo. 45–67: Meeting-houses: And absence from meeting.
3dly. That no other distinction be observed in making of freemen, than that they be men of competent estates, rateable	There is no other distinction made in the making of freemen, than that they be freeholders of 10s. rateable estate, and of the protestant religion.	The Laws, p. 56, make out this.

Charges.	*Answers.*	*Proofs.*
at 10s. according to the rules of the place; and that such, in their turn, be capable of magistracy, and all laws to be made void that obstruct the same.	And all freemen are capable of being chosen to any trust in the magistracy there; and all laws, obstructing the same, repealed on his majesty's particular commands for the same.	And men of the church of England are admitted freemen; as also all Protestants of 10s rateable estate.
* * *	* * *	* * *
His majesty, by letter of the 13 September, 1680, complains: 1stly. That few of his directions in his former letter had been pursued by the general court in New England, and that the consideration of the remaining part of them were put off on insufficient pretences.	That their delay, or slowness of procedure, proceeded not from any want of allegiance or doubt of giving his majesty all satisfaction therein, nor was it any disadvantage to any his majesty's subjects there for whose avail the said complaints were made; but that they might proceed with satisfaction amongst themselves.	
* * *	* * *	* * *
His majesty, by letter of 21st of October, 1681, complains: 1stly. That Mr. Randolph, being appointed searcher, collector, and surveyor, of his majesty's customs, in Massachusetts colony, to prevent the breaches of the acts of navigation.	That Mr. Randolph, on sight of his majesty's letters patents, was received and acknowledged as collector, searcher, and surveyor, of his majesty's customs, and his letters patents accordingly enrolled.	This the agents know to be true.
That all his care had no effect; in regard, attachments were granted against him and his officers for doing their duties.	That no other complaint, or suit, against his majesty's officers hath been at any time countenanced, or damage given thereupon, but such as in their best judgment has been pursuant to the providing damages for the officers just vexing the subjects.	Vid. the act.

Charges.	*Answers.*	*Proofs.*
And, when any offenders were prosecuted in his majesty's name, the officers were obliged (against law) to deposit money before trial could be obtained, and afterwards forced to pay costs and suffer other hardships.	That, for ordinary trials in his majesty's stated courts, nothing hath been demanded or taken of Mr. Randolph but in extraordinary cases; where juries were summoned at his instance, and travelled far on purpose, so much has been taken as to defray their necessary attendance; which will be prevented in future, and all cases reserved to the ordinary terms if the officer be directed thereto.	
That appeals to his majesty in matters of revenue were refused to be admitted.	That if, without either restriction of the sum or difficulty of the case, all matters indifferently may, by the officer or his deputy, be removed from his majesty's courts there, and the subject forced to transport himself into this kingdom of England, it will force them to quit their woods upon any pretence rather than suffer such inconvenience, and thereby wholly discourage all trade in that his majesty's plantation, of which we humbly pray his majesty's gracious consideration.	(No proof is cited in support of the last answer.)

It must be admitted that the answers were ingeniously drawn and that probably they were the best that could be devised, but considering the facts, with which the king by this time was thoroughly conversant, it is not surprising that the answers were far from being satisfactory to him. It is questionable whether the old adage "a poor excuse is better than none," holds true when applied to the excuses given by the agents to the king. The probability is that

they were viewed by him as mere subterfuges and that they served still further to inflame his resentment.

At their first hearing before the Privy Council, the agents were required to produce their instructions from the General Court, when it was found that they contained no such powers as the king had required them to be invested with, whereupon they were informed that unless they "speedily obtained such powers as might make them capable to satisfy on all points, a *quo warranto* should proceed."[1] The position of the agents was most embarrassing. They were pressed by the king's councilors to make concessions which they could not make without violating instructions which they dared not violate. But they could see plainly that, without such concessions, it would be impossible to avert the impending destruction of the commonwealth. They wrote home, explaining to those in authority the state of affairs in England, and plainly indicated that there was no hope for the commonwealth except by submission to the king's demands.

Their letters carried dismay to those who still hoped for the preservation of the charter. The General Court again ordered days of fasting and prayer. More addresses were sent to the king. Addresses were also distributed among the people of the commonwealth, and the advice of the elders was sought. "In general it was thought better to die by the hands of others than by their own," and instructions were sent to the agents in England to give up the province

[1] Hutchinson, Vol. 1, p. 302.

of Maine, if that would save the charter, but "to make no concessions of any privileges conferred upon the colony by the charter."

Randolph, fearing for his life, "as a subverter of the constitution, by virtue of an ancient law," had petitioned in September, 1682, to return to England, and the permission asked was given.[1]

About this time an exposure was made of an alleged attempt of the Massachusetts authorities to bribe the king by a present of £2,000. The exposure excited derision and tended to bring the colonists into still greater disrepute.[2]

The king and his councilors were now fully bent upon bringing to terms his rebellious subjects in Massachusetts, and, as a first step, Randolph, whom Chalmers styles "the general accuser during those days against the governor and company of Massachusetts," in June, 1683, filed with the Lords of the Council articles of high crimes and misdemeanors against the Governor and Company of Massachusetts, which we may be sure embody all the causes of complaint having any foundation upon which to base them. It was charged:

"1stly. They assume powers that are not warranted by the charter, which is executed in another place than was

[1] Chalmers's *Annals*, p. 411.

[2] Subsequent investigation of this improbable story of attempted bribery has shown that it grew out of a premeditated scheme, concocted by the perfidious Cranfield, the royal governor of New Hampshire, to trap the magistrates of Massachusetts and to render their cause still more odious to the king. But it served its purpose at the time. It greatly embarrassed the agents in England and mortified the friends of the commonwealth on both sides of the Atlantic. See Palfrey, Vol. 3, p. 410, note 1; Hutchinson, Vol. 1, p. 303.

intended. 2ndly. They make laws repugnant to those of England. 3rdly. They levy money on subjects not inhabiting the colony: (and consequently not represented in the general court). 4thly. They impose an oath of fidelity to themselves, without regarding the oath of allegiance to the king. 5thly. They refuse justice, by withholding appeals to the king in council. 6thly. They oppose the acts of navigation, and imprison the king's officers for doing their duty. 7thly. They have established a naval office with a view to defraud the customs. 8thly. No verdicts are ever found for the king in relation to customs, and the courts impose costs on the prosecutors, in order to discourage trials. 9thly. They levy customs on the importation of goods from England. 10thly. They do not administer the oath of supremacy, as required by charter. 11thly. They have erected a court of admiralty, though not empowered by charter. 12thly. They discountenance the church of England. 13thly. They persist in coining money, though they had asked forgiveness for that offence."[1]

The *quo warranto* proceedings, so long threatened and so long delayed, were now begun in earnest, but this time in the Court of Chancery. The reason given for this was that the jurisdiction of the Court of Chancery extended to the colonies, and it was desired to avoid the objection, before made to the judgment of the Court of King's Bench, that it did not bind the members of the company residing in America and that hence their charter was not forfeited.

Randolph scurried across the Atlantic to serve the writ, but at the same time he brought a declaration from the king "that if the colony, before prosecution, would make full submission and entire resignation to

[1] Chalmers's *Annals*, 462.

his pleasure, he would regulate their charter for his service and their good, and with no further alterations than should be necessary for the support of his government there."

In the "Hutchinson Collection of Papers"[1] is found a paper entitled "Arguments against relinquishing the Charter," which the editor of the collection supposes to have been written in November, 1683, and which is noted as "characteristick of the early habits of resistance to tyranny in New England." It was doubtless prepared by some of the ministers whose advice was sought, and gives, in the form of "objections and answers," some of the arguments which probably were then influential in inducing the colonists to refuse "full submission and entire resignation to his pleasure" required by King Charles. Among the objections and answers are the following:

"Obj. 4. But what Scripture is there against this full submission and entire resignment?

"Ans. There is the sixth commandment. Men may not destroy their political any more than their natural lives. All judicious casuists say, It is unlawful for a man to kill himself when he is in danger, for fear he shall fall into the hands of his enemies, who will put him to a worse death. 1 Sam. 31. 4. There is also that Scripture against it, Judges 11. 24, 27; and that 1 Kings, 21. 3. The civil liberties of the people in New England are part of the inheritance of their fathers; and shall they give that inheritance away?

"Obj. 5. They will be exposed to great sufferings if they do it not.

[1] Mass. Hist. Coll., 3d Ser., Vol. 1, pp. 74–81.

"Ans. Better suffer than sin, Heb. 11. 26, 27. Let them put their trust in the God of their fathers, which is better than to put confidence in princes. And if they suffer because they dare not comply with the wills of men against the will of God, they suffer in a good cause, and will be accounted martyrs in the next generation, and at the great day."

The desperate nature of the situation was now evident to every one, and none could fail to see the handwriting on the wall, portending the revocation of the charter and the destruction of the commonwealth.

In England, the "Merry Monarch" now felt secure of his crown. A large part of the people there, who had long chafed under the galling restraints of Puritan rule, but had been awed by it into at least outward decorum, now gave themselves up to the enjoyment of all the vile pleasures which a dissolute monarch and his dissolute favorites sanctioned by their own example. Not only were the Puritans no longer influential in the government, but to the rulers in England and to a large part of the English people they had become objects of contempt and derision.

Only a few months before, *quo warranto* proceedings had been begun against the city of London and its ancient charter had been declared forfeited on the most flimsy pretexts, one of which was that the city had imposed a small toll upon goods brought to market there, in order to defray the expense of rebuilding the market buildings which had been destroyed by the great fire in 1666. The cause of the city was pleaded by the ablest lawyers of the time,

but without avail. "The office of judge was at that time," says Hume, "held during pleasure, and it was impossible that any cause, where the court bent its force, could ever be carried against it."[1] Similar proceedings were begun against all the municipal corporations in the kingdom which had excited the displeasure or tempted the cupidity of the king and his favorites.

On the other hand, the commonwealth had been impoverished by the heavy expenses of King Philip's war, and by two great fires in Boston, one in 1676 and one in 1679. It had many enemies within its own borders and Randolph, by his machinations, was continually stirring up fresh discord and discontent. There were also, by this time, many in the colony to whom the rigid restraints of the commonwealth had become distasteful and who longed to see them broken down. And there were time-servers and place-hunters who hoped to profit by a change of government.

In such a situation of affairs further resistance by the poor and feeble Massachusetts commonwealth would have been a hopeless undertaking. The governor and a majority of the assistants voted to submit to the pleasure of the king, but the deputies held out to the last and entered of record this short but emphatic dissent: "The deputies consent not; but adhere to their former bills."

However, more addresses were sent, and Robert Humphreys, a London lawyer, was employed by the

[1] *History of England*, Vol. 6, Chap. 69.

General Court to defend and was instructed "to spin out the case to the uttermost."

The addresses and petitions of the General Court fell on deaf ears and excited only ridicule in England. No time was lost in pushing the *quo warranto*, and, for once, no complaint could be urged against the slow action of the Court of Chancery. Humphreys, obeying his instructions from the General Court, endeavored to delay the proceedings and to obtain more time for filing an answer, but the court refused to grant it. The case was pushed to a speedy hearing. Of course Randolph was on hand with the requisite amount of proof, and on October 23, 1684, final judgment of forfeiture was entered.[1]

The precise grounds of forfeiture specified in the judgment were these:

First. That the governor and company had assumed "the unlawful and unjust power to leavy money of our Subjects and leige people to the use of them the said Governor and Company of Mattachusetts Bay aforesaid under colour of Lawes or Ordinances by them *de facto* ordained and established without any other right title or Authority whatsoever,"—in the levy and collection of taxes and duties.

Second. That they had also, pursuant to the laws and ordinances established by them, "and without any other right and against Our Will," erected a mint-house and coined money.

Third. That they had also made and published another law or ordinance "to the effect following, that is to say: That noe man should be urged to take

[1] Mass. His. Coll., 4th Ser., Vol. 2, pp. 246–278.

an oath or subscribe to any Articles Covenants or Remonstrances of publique and Civill nature but such as the Generall Court (meaning the publique Assembly aforesaid) had considered allowed and required. And that noe oath of any Magistrate or other Officer should bind him any further or longer then hee was resident or reputed an Inhabitant of that Jurisdiction (meaning the bounds and premisses in the said Letters Patents above specified and granted)."

Fourth. That they had also required an oath of fidelity to their government (the oath required being copied in full in the judgment) to be taken by "all setled Inhabitants amongst them who had not already taken the same," also by "all strangers who after two moneths had their abode there."

The judgment then recites that by reason of such usurpations,

"Our service of and for the keeping of our peace and good Rule and Government of Our people there was and is much impeded to the great damage of Our People residing there and to our noe small prejudice and grievance. By reason whereof the said Governor and Company of Mattachusetts Bay aforesaid have forfeited the said Letters Patents," and "Therefore by the said Court here itt is adjudged That the aforesaid Letters Patents soe as aforesaid to them the said Governor and Company made and granted and the Inrollment thereof be vacated, Cancelled and annihilated and into the said Court restored there to be cancelled."

There was some delay, probably owing to the death of King Charles, and the exemplification of the judgment was not issued until after the crowning of his successor, James II. Of the latter no favors

could be expected by the colonists. "He had no sooner ascended the throne," says Chalmers,[1] "than he transmitted proclamations of that event, to be published in New England. The letter which conveyed official notice of that deplored event to the governor and magistrates, informed them, in the language of insult, which ought never to be spoken to the afflicted, 'that they were not written to as a government, their patent being cancelled'; which, by putting them in remembrance of what they had lost, served only to throw a gloom over a transaction where gladness should alone have presided." One of the first acts of the new king was to issue the exemplification of the judgment vacating the charter, which bears date October 13, 1685.

Regarding the legality of the judgment rendered it is not now necessary to inquire. When the king wanted a thing done in those times it was easy enough to find a way to do it. He had determined to have the charter annulled and it was done. The precious document, to which the colonists had clung so long and so tenaciously, was now of no more value than so much waste paper, and a death-blow had been struck to the commonwealth.

All were about to be placed upon an equality—not as freemen, but, as nearly as Andros could make them, his vassals—and they and their descendants were to wait for nearly a hundred years for the full development of the republic. But the seed had been planted and it did not die with the commonwealth.

Soon the people of Massachusetts were to see new

[1] *Annals*, p. 417.

and strange sights—a royal governor, gay equipages, brilliant uniforms, and, more galling than all these, an Episcopalian minister in his surplice, reading the Book of Common Prayer in the South Church in Boston, while the members of the Puritan congregation stood in the streets, waiting until he had concluded before they could enter and hold services in their own church.

XVII

THE ANDROS SEQUEL

The charter had been overthrown, but the commonwealth itself was not yet quite dead. It was some time before the fate of the charter was known in America, and some time after that before the official announcement of it was received. Meantime the officers of the commonwealth exercised their offices as usual, the General Court continued its meetings, and elections were held as before. On May 14, 1686, the triumphant Randolph appeared in Boston with a copy of the judgment against the charter and a commission for the officers of a provisional government, of which Joseph Dudley was to be the president. The General Court was in session, and on the 17th a copy of the commission was presented and read. The last session was held on the 20th, when the Court adjourned to meet "on the second Wednesday in October next at eight of the clock in the morning." But it never convened again.

And now the charter was gone; the General Court was no more; the Theocracy had been overthrown; of the commonwealth nothing was left but the ruins.

Great changes had taken place between the beginning and the end of the commonwealth. The population of Massachusetts, in 1665, is supposed by Pal-

frey[1] to have been about twenty-five thousand, inhabiting fifty-two towns. By the year 1676 it is said that five hundred and fifty vessels had been built in Massachusetts, of which two hundred and thirty ranged from fifty to two hundred and fifty tons burden.[2]

At the end of the commonwealth these ships were not only carrying on a large trade with the other colonies, but they were crossing the Atlantic bearing fish, lumber, furs and other products of domestic industry, and returning laden with stores of foreign goods suited to the wants and tastes of the colonists.

Captain Cleyborne, of the Garland frigate, who was in Boston in 1673, reported that "the trade of New England is very great to all parts. It hath become a magazine of all commodities. Ships daily arrive here from Holland, France, Spain, &c., bringing with them the productions of these countries."[3]

There had been a great increase in the number of artisans and in manufactures. Josselyn said that "some of their merchants are damnable rich," and that "there are none that beg in the Countrey." Randolph also said that there were "no beggars."

In the rural regions large tracts of land had been brought into cultivation, the farms were well stocked with domestic animals, and there was abundance of fruit of many kinds.

Boston had grown greatly. Its population at the end of the commonwealth probably considerably exceeded five thousand. In 1637, according to Josse-

[1] Vol. 3, p. 35.
[2] David A. Wells in *First Century of Republic*, 151.
[3] Chalmers's *Annals*, p. 433. See also *Id.*, 416.

lyn,[1] there were not many houses, and but two ordinaries, "into which if a stranger went he was presently followed by one appointed to that Office, who would thrust himself into his company uninvited, and if he called for more drink than the Officer thought in his judgment he could soberly bear away, he would presently countermand it and appoint the proportion, beyond which he could not get one drop." But in 1671 he speaks[2] of many fair shops of "Brick, Stone, Lime, handsomely contrived," "three meeting-houses," of streets "many and large, paved with pebble stone," and says that "the town is rich and very populous," and he does not forget to mention that "at the Tap-houses in Boston I have had an ale-quart spiced and sweetened with sugar for a groat."

The inhabitants, especially of Boston and the neighboring towns, were not only enjoying the comforts of wealth, but had begun to aspire to the possession of its luxuries, and this change showed itself in better houses, furniture and dress than the early colonists could have afforded or would have desired.

In a short time after the end of the commonwealth period, we find even the pious Sewall sending to London for goods for his wife, his daughter and himself—"a pattern of good silk to make my wife a Gown," a "piece of flowered Lute string q t between 30 and forty yards to make Gowns and Petticoats for my daughters," "good black Paddisway, enough to make Two Womens Suits," an "end of

[1] *Two Voyages*, p. 173.
[2] *Two Voyages*, pp. 161–162.

coloured Brodcloath to make myself a suit, shaloon to Line it, Buttons, Silk, &c.," a "good strong black Silk Damask, or Lutestring Flowered (no silk Grass to be in it) To make two Jackets and two pair of Breeches," and "two pair of good black silk Mens Stockings." He was also sending to London for "Fring for the Fustian Bed the Worsted is for, and also Fring for half a doz. Chairs suitable thereto," and for a finer wedding outfit for his daughter Judith than could be bought in America.

Great changes had taken place among the people. Winthrop and Endicott, and the great preachers, Hooker and Cotton and Norton, had passed away and new men had come to the front.[1]

The manners and tastes of the people had changed—especially in Boston and in the larger towns. In Roxbury[2] "the more wealthy inhabitants kept one or more slaves and were enjoying the luxuries, as well as the comforts, of life at the time of the vacation of the Charter."

"Everywhere," says Mr. Drake[3] "the too rigid austerity of the social and religious life of the Puritan pioneers had given place to a freer and more unrestrained play of the social forces. Intemperance had greatly increased. Attendance at church had grown less constant. More costly dress and equipage, and greater refinement of manners, began to be observed."

[1] Hooker died in 1647; Winthrop in 1649; Norton in 1663; and Endicott in 1665.

[2] Henry H. Edes, *Charlestown in the Colonial Period*, 1 Mem. His. Boston, 400.

[3] *Roxbury in the Colonial Period*, 1 Mem. His. Boston, 401-422.

Such was the situation when, on December 20, 1686, the King Fisher, a fifty-gun ship, reached Boston Harbor, bringing the new governor, Sir Edmund Andros. He had a commission as "Captain General and Governor in Chief" of all New England. Thirty-nine persons, of whom five might constitute a quorum, were appointed to act as his Council. One of these was the hated Randolph. In the governor and council were vested all legislative, judicial, and executive powers, with full authority, subject only to revision by the king, of making laws, establishing courts and administering the government.

The alarm of the colonists was allayed at first by the fair professions of Andros and his profuse expressions of a desire to administer the government for the benefit of the people; and, for a time, the colonists felicitated themselves that in the appointment of Andros they had escaped the dreaded butcher, Col. Kirk, whom the king had originally selected to act as governor. But they had escaped Charybdis only to be devoured by Scylla.

It was not long before Andros threw off all disguise and his designs became apparent. One of the first notable acts of the new administration was the levy of a tax to defray the expenses of the government. For protesting against this tax, John Wise, the minister of Ipswich, and several of the inhabitants of the town, were thrown into jail, denied the right of habeas corpus, and heavily fined, and several of them were forbidden to hold office. At the trial Joseph Dudley, one of the judges, taunted the defendants, when they endeavored to set up their priv-

ileges as English subjects, by telling them that they had now no further privilege left than "not to be sold as slaves," and insolently asked them if they believed that "Joe and Tom may tell the king what money he may have."

Fines and imprisonment were visited upon all who ventured to question the authority or to protest against the tyrannical proceedings of the new rulers.

A few months after Andros arrived forcible possession was taken of the South Church for Episcopal services.

The General Court was abolished and the town governments were ignored. Andros said to a committee from Lynn that "there is no such thing as a town in the whole country." Even the assembling of the citizens for deliberation was liable to be punished as riotous or seditious.

Exorbitant fees were exacted. "The harpies themselves," says Hutchinson, "quarreled about their share of the prey." Taxes were levied by the governor and his council as they pleased, and the tax-gatherers were relentless in their exactions. Spies and informers were in every town.

All court records were removed to Boston, so that those having business in relation to the settlement of estates were forced to go there, and were compelled sometimes to travel two hundred miles and to pay extortionate fees to the officers until "the cry of poor Widows and Fatherless is gone up to Heaven against them on this account."[1] No one was secure in the

[1] *Revolution in New England Justified*, in *Andros Tracts*, Vol. I, pp. 115, 116.

title to his land. When a land-owner showed a deed from the Indians he was told that it was "worth no more than the scratch of a bear's paw," and Randolph, the chief spirit of the Andros administration, boasted that "all the inhabitants of Boston will be forced to take new grants and confirmations of their lands, which will bring in vast profits," and he threatened to issue writs of ejectment by the cart load.

The judges appointed by Andros had been selected in the expectation that they would prove themselves servile tools to aid him in his tyrannical efforts to strip the inhabitants of their liberty and their property. They rarely disappointed his expectations. If they followed any English precedents, they were those established by the infamous Jeffreys and Scroggs. Everywhere the courts were turned into engines of persecution. Many were ruined by enormous fines; others were imprisoned on vague charges, denied the writ of habeas corpus, and held for months without trial.

Moreover, "as if to mock the people of New England," says Professor Washburn, a new great seal for the government was adopted showing on one side the royal arms with the inscription "SIGILLVM NOVÆ ANGLIÆ IN AMERICA," a figure of James II seated and two figures kneeling before him, one tendering a petition, the other offering tribute, and having inscribed upon it also this insulting motto, "*Nunquam Libertas gratior extat.*"[1]

[1] Washburn's *Judicial History Mass.*, pp. 103–4; Thomas C. Amory, paper read before Mass. His. Soc. Proceedings Mass. His. Soc., 1867–

The royal bandits were holding high carnival. Massachusetts was still suffering from King Philip's war, which had entailed immense destruction of property and a frightful loss of life. Now she lay prostrate and helpless under the feet of her bitterest foes—foes dreaded far more than those whom the colonists had vanquished; for her new enemies seemed to be resolved upon robbing the people of all the possessions for which they had labored so hard, and of effacing every vestige of the institutions they had struggled so long to establish.[1]

The "emancipation" from Puritan control was going on at a great rate. The action of Cranfield, the royal governor of the neighboring province of New Hampshire, in sending the Rev. Mr. Moodey to jail for his refusal to administer the sacrament according to the liturgy of the established church, was a fair sample of the kind of religious toleration that the Puritans of Massachusetts might expect soon to

1869, p. 98. The motto was garbled out of the following quotation from Claudianus:

> "*Fallitur egregio quisquis sub principe credit*
> *Servitium.* Nunquam libertas gratior extat
> *Quam sub rege pio.*"

Translated in Ramage's *Beautiful Thoughts from Latin Authors*, 5th ed., p. 161, as follows: "That man is deceived who thinks it slavery to live under a noble prince. Liberty never appears in a more gracious form than under a pious prince."

[1] Barry's *His. of Mass.*, Vol. 1, Chap. 18; Washburn's *Judicial History of Mass.*, Chap. 6. A complete history of the administration of Andros will be found in the *Andros Tracts*, published by the Prince Society. Included in the collection is a catalogue, prepared by a committee of seven, consisting of Thomas Danforth and six others, of the "charges against Andros and others." In this catalogue will be found a brief synopsis of the principal charges. The editor, Mr. Whitmore, gives the committee "the credit of great industry in collecting all the fables as well as the truths against Andros's administration."

be extended to them. Gloom enveloped the land, and, although the Puritans of the old commonwealth were men of stout hearts, it must have seemed to them that all had been lost. But all had not been lost. While Andros was at the height of his power the people of England again rebelled against their monarch. In 1689 news was brought over of the landing in England of the Prince of Orange, and the people of Massachusetts rose in arms, deposed Andros, captured him while he was trying to escape, disguised in woman's clothes, put him and Randolph and Dudley in prison, set up a provisional government and, for a period of about five weeks, until the proclaiming of William and Mary, again enjoyed the privileges of self-government.

Still the people of Massachusetts were a long way from independence. The new king of England, though far more in accord with the religious views of the people of Massachusetts than was his predecessor, had no idea of permitting them to set up a republic of their own. Other monarchs followed who viewed with jealous eyes the growth of republican ideas in America. In order to curtail the commerce of the colonies, and to cripple their industries, oppressive laws were enacted in England, of which the odious Acts of Trade and the still more odious Stamp Act were examples. The Boston Port Bill was enacted avowedly to punish Massachusetts and to wipe out Boston. English soldiers were quartered on the people and a vain attempt was made to awe their representatives into subjection by surrounding the state-house with armed soldiers and planting cannon

to command its doors. The culmination of all these efforts to subdue the people of Massachusetts was seen at Lexington and Concord.

But in all these years a republic was growing. In the beginning the colonists thought that liberty could not live without the charter; events proved that the charter had become as useless to liberty as the shell of the acorn is to the oak after it has struck its roots deep into the soil. When the time came to put forth the Declaration of Independence there were found reasons far more cogent than the violations of the charter, of which the people complained in the time of Charles II; a broader foundation was secured upon which to base a republic than any charter which had been granted by any English monarch. The republic which had been planted in the Massachusetts commonwealth had been further developed in the United Colonies of New England; it became of tougher grain under every effort of kings and parliaments to uproot it, until in the end it became part of the still greater republic—THE UNITED STATES OF AMERICA.

XVIII

THE PASSING OF THE PURITANS — LOOKING BACKWARD AND ALSO LOOKING FORWARD

"O Time, the fatal wrack of mortal things,
That draws Oblivion's curtains over kings—
Their sumptuous monuments men know them not,
Their names without a record are forgot,
Their parts, their ports, their pomps, all laid i' the dust—
Nor wit, nor gold, nor buildings, 'scape Time's rust.
But he whose name is graved in the white stone,
Shall last and shine when all of these are gone!"

—Anne Bradstreet.

It is to be hoped that Anne Bradstreet and her Puritan friends and neighbors have found the "white stone," and in it the "new name written," promised in the Book of Revelations. The names of many of them and their deeds on earth are deeply graven in human history.

In recording the history of the Massachusetts Puritans there has been a great change in style from that of fulsome eulogy, characteristic of the early historians, to the unsparing censure of modern writers, notably of some in Massachusetts, whose cardinal idea seems to be that we magnify ourselves in proportion as we belittle our ancestors. In the writings of this new school the history of the Puritan age in Massachusetts is delineated as a dreary waste. We look in vain for historic figures. All have dis-

appeared or dwindled into insignificance, and in their places we find only an intolerant and narrow-minded set of fanatics. We search for heroic achievements and noble deeds; we find nothing worthy of note unless it be something to call forth denunciation or ridicule. The very age in which our Puritan ancestors lived has been obliterated and we see only an "ice age—sterile, forbidding, unproductive, its history dotted only with boulders and stunted growth."

After all has been said about the bigotry and intolerance of the Massachusetts Puritans, much remains to be said in their favor.

It may be that if Winthrop and Endicott and their associates had never been heard of, and their places in the Massachusetts commonwealth had been filled by Roger Williams, Gorton, Coddington and the motley brood that flocked to the shores of Narragansett Bay, we should have had a grotesque conglomeration, that, for a time, might have assumed the semblance of a government, of which possibly the chief features might have been religious and political toleration; but it is probable that the discordant elements would soon have resolved themselves into chaos. All this, however, is conjecture. The solid historical fact is that Winthrop, Endicott, and their Puritan associates, founded a commonwealth and held it together long enough to make it the cornerstone of the New England confederacy and the beginning of a great republic.

The Puritans believed in morality in public and in private life. Undoubtedly their preachers preached long sermons and made long prayers. They required

a rigid observance of the Sabbath, and they did not concern themselves about making either their churches or their religion attractive. The unique methods of some of our modern preachers and the sensational performances carried on in some of our modern churches, as reported from time to time in the newspapers, show that in the effort to make churches popular and religion entertaining we have hit upon some schemes entirely unknown to our ancestors, and compel us to think more kindly of the old Puritan minister with his hour-glass, his long sermons and his long prayers.

The Puritans also believed in education. The school-house was as characteristic a feature of every New England settlement as was the meeting-house. Their principles and practice were in striking contrast to those of the royal governor of Virginia. In 1670 the English Lords Commissioners of Plantations proposed to Sir William Berkeley, who was then governor of Virginia, a series of questions concerning the condition of affairs in his jurisdiction, to one of which that eminent apostle of ignorance made this remarkable answer: "But I thank God there are no free schools nor printing, and I hope we shall not have these hundred years, for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best Government. God keep us from both."[1]

The Puritans were intense lovers of liberty and natural rebels against tyranny. As shown in former

[1] Hening's *Statutes*, Vol. 1, p. 517.

chapters, their first body of laws contained all the cardinal principles of Magna Charta and the common law of England for the protection of the liberty of the citizens and of the rights of property.

They were economical in their ways of life. There were no great fortunes in those days in New England. None were then to be made by gigantic trusts and combinations, by wrecking railroads and watering stock and cornering wheat. Most of the early Puritans had large families; the soil was poor; and, to make both ends meet, they were compelled to be thrifty and frugal. But, if they did not spend great sums in gambling and horse-racing and cock-fighting, they were not stingy in providing comfortable houses for their families and barns for their stock, meeting-houses and school-houses, and a substantial education for their sons and daughters.

They were economical also in their public expenditures. It might be well if some modern legislature would imitate—but it is useless to hope that any ever will imitate—the example of the General Court of Massachusetts in its declaration made in 1646:

"We spend nothing superfluously in buildings, feasting, pensions, public gratuities, officers fees, or the like; nay we are ashamed sometimes at our parsimoniousness, but that we had rather beare shame and blame than over burden the people. Such as are in chief office amongst us are content to live beneath the power of their places, that they might ease the Common charge."[1]

But in the defense of their country the Puritans of Massachusetts were never niggard with their contribu-

[1] Hutchinson's *Coll. of Papers*, p. 209.

tions. Not only did they contribute liberally for their own defense in all the Indian wars during the commonwealth period, but they contributed more liberally than any other American colony to the expenses of carrying on the Revolutionary War. Official statistics show that from the beginning of the revolution to 1790 Massachusetts's excess of expenditures over receipts in behalf of the general government was nearly equal to that of all four of the states of New York, Pennsylvania, Virginia and Maryland, and nearly ten times as much as Virginia, Maryland, North Carolina, South Carolina and Georgia.[1]

Wherever the Puritans went they impressed on the community the characteristics which made them a moral, law-abiding, liberty-loving and thrifty people. When General Putnam and his New England colony emigrated to the Northwest Territory and settled at Marietta, they took their preacher and teacher along with them, and the first thing they did, after building a stockade to protect themselves from the Indians and houses to shelter their families, was to erect a building for a church and a school. They next framed a code of laws, and, as they had no printing press, the laws were published by nailing a copy of them to a tree on the banks of the Muskingum.[2] Thus they grasped the essential principles of republican government: morality, education and obedience to law. They were doing this when the people of France were murdering their priests, holding their drunken orgies in the churches, putting in

[1] Hudson's *Hist. of Marlborough*, 185.

[2] Walker's *His. of Athens Co., Ohio*, p. 86.

the pulpits prostitutes costumed as Goddesses of Reason, and trying to establish a Utopian republic on the ruins of law, religion and the rights of property.

Our laws and customs would not have fitted the Puritans any better than theirs would now fit us. And I imagine that, if the other side could be heard, and if we could listen to some of the accusations which the Puritans, if living, might justly bring against the people of this age, their laws and customs, their public and private life, it would probably appear that, notwithstanding our great advance in some things, yet, in other things essential to good government, we have not improved so much on the ways of our ancestors as we are in the habit of taking for granted.

The old Puritans have passed away, and most of their kind have also passed away. "The old order changeth, yielding place to new." Between the beginning and the end of the commonwealth great changes occurred in the religious, industrial and social life of the Puritan settlers of Massachusetts, noticeable especially in Boston and in the adjacent towns, but not so noticeable in Sudbury, Marlborough and the other frontier settlements. To-day, however, the changes from early times are manifest everywhere, so manifest that no one can overlook them or fail to perceive their significance.

Great manufactories now flourish in regions once devoted almost exclusively to agriculture. The people, native and foreign, are flocking to the cities and in the cities they are crowding the manufactories.

Notable changes have taken place in the character of the population. One marked peculiarity of the early settlers of Massachusetts and the other parts of New England was, that, almost to a man, they were Englishmen or of English descent. Most of the first settlers came from the eastern and southern counties of England. It has been estimated that at the beginning of the nineteenth century more than ninety-eight in one hundred of the New England people were of pure English descent.[1] Jedidiah Morse published the 7th edition of his geography in 1819, and in this, speaking of the New England population, he said: "The great mass of the inhabitants are of English origin. New England was settled entirely by Englishmen, except a few towns in the hilly country of the county of Hampshire in Massachusetts, which were settled by a colony from Ireland, and a few in Londonderry in New Hampshire. With these exceptions, the settled inhabitants of New England are even now entirely of English origin."[2]

In an address before the Massachusetts Historical Society in 1844, Dr. Palfrey said:[3] "With scarcely exceptions enough to deserve any account in the enumeration, we who now constitute the states of New England are descendants of Englishmen established here before the year 1643."

But now New England is being rapidly filled with those of foreign birth and their descendants. The invasion is not as war-like, but it seems to be as cer-

[1] Fiske, *Beginnings of N. E.*, 141.
[2] Morse, *Universal Geography*, Vol. 1, p. 211.
[3] Mass. His. Coll., 3d Ser., Vol. 9, p. 178.

tain and as irresistible as that of the fierce Goths and the fiercer Huns who stood at last before the gates of Rome. To-day, what the writer observed some years ago in Marlborough, Mass., is noticeable in many parts of that state, as well as in other places in New England. In early times the inhabitants of Marlborough were exclusively of English Puritan stock. Now the names of the Rices, the Brighams, the Bigelows, the Howes and others, once so numerous there, must be sought in the inscriptions upon the tombstones, while in the streets, at every step, one meets the Canadian and the Irishman. What has become of the descendants of the first settlers? The stock has not run out. Those who left New England pushed forward to other regions, constituting the advance guard in the settlement of the states originally comprised within the limits of the great region known as the Northwest Territory, and forming no inconsiderable portion of the early settlers of New York and other states. They have largely helped to leaven the character of the nation. "The twenty-six thousand New Englanders of 1640," says Mr. Fiske,[1] "have in two hundred and fifty years increased to something like fifteen million. From these men have come at least one-fourth of the present population of the United States."[2]

But, more striking than any other change, is that in the religious character of the people. In the time of the commonwealth it would have been accounted

[1] *Beginnings of New England*, 143.

[2] See chapter by Francis A. Walker on *Growth and Distribution of Population: First Century of Republic*, p. 211.

sacrilege to read in church the Book of Common Prayer. Endicott had torn from the English flag the emblem of the cross because it was a symbol of Popery. But now, near the site of the old Puritan meeting-house in Marlborough, stands by far the most stately edifice in the town. Its spire overlooks the old Puritan cemetery and casts its shadow across the plain stones marking the places where rest those to whom, in life, nothing was more hateful than the doctrines now taught over their graves. It is almost needless to add that this edifice is a Roman Catholic cathedral.

It is evident that the "emancipation" of Massachusetts is still going on at a rapid rate. Without offering any criticisms or theories as to the cause of these changes, or their probable effect upon the government, the laws, the customs, and the moral and social life of New England, Dr. Ellis has concisely summed up the present situation in these words: "We put the sum and substance, the facts and their import, of all the transformation that has been wrought there, in a single sentence when we say that men, principles, habits, and institutions have now the ascendancy in the Puritan heritage of which the fathers intended and hoped to have rid themselves and their posterity for all time."[1]

What will New England and Massachusetts be two hundred and fifty years hence, when rural New England shall have been deserted, when countless thousands yet to come from Canada and across the

[1] *Puritan Age*, 8.

ocean shall have settled on the Merrimac, and when, as the Rev. Joseph Cook predicts, Plymouth Rock shall have become the corner-stone of a factory?

"THE PAST AT LEAST IS SECURE."

THE END.

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